

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
  
**REGULAR SESSION**  
**OF 1981**

**HELD IN THE CITY OF MONTGOMERY**  
**COMMENCING TUESDAY, FEBRUARY 3, 1981**



**VOL. 1**  
**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**

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# CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience.

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**OF THE**  
**SENATE**  
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**REGULAR SESSION OF 1981**

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FIRST LEGISLATIVE DAY

TUESDAY, FEBRUARY 3, 1981

This being the first Tuesday in February, A.D., 1981, and the day fixed by law and the Constitution of the State of Alabama for the annual meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock Noon, and was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate.

McDowell Lee, Secretary, was present and acted as such according to law.

**PRAYER**

The Session was opened with prayer by the Reverend Bernard Vacca, Pastor, Our Lady of Mount Carmel Parish, Ashtabula, Ohio.

**OATH OF OFFICE**

Upon the request of the President and Presiding Officer of the Senate, Honorable George McMillan, Senator-elect Earl F. Hilliard came forward, presented his credentials, and Lieutenant Governor McMillan administered to him the oath of office prescribed by the Constitution of the State, and Senator-elect Hilliard came forward and subscribed his name to the oath of office as follows:

STATE OF ALABAMA

MONTGOMERY COUNTY

**OATH OF OFFICE—STATE SENATOR**

I, Earl F. Hilliard, solemnly swear I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue to be a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me God.

EARL F. HILLIARD,  
Senate District No. 15

STATE OF ALABAMA

MONTGOMERY COUNTY

Sworn and subscribed before me this 3rd day of February, 1981.

GEORGE McMILLAN, JR.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

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## RESOLUTIONS

Mr. St. John offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMITTEE CREATED TO NOTIFY THE GOVERNOR THAT THE LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Hilliard, Vacca, and White.

Mr. St. John then offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. COMMITTEE CREATED TO ESCORT THE GOVERNOR TO THE JOINT SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on February 3, 1981, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

BE IT FURTHER RESOLVED That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Kirkland, Teague, and Pearson.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,  
Clerk.

INTRODUCTION OF BILLS

The following Bills, having been pre-filed with the Secretary of the Senate under the provisions of Joint Rule 10, were severally read one time, and previous referrals by the President and Presiding Officer to appropriate Standing Committees were confirmed, as follows:

By Mr. deGraffenried:

S. 1. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

Committee on Judiciary.

By Mr. deGraffenried:

S. 2. To provide for a state income tax check-off designation for the support of nongame wildlife programs in Alabama.

Committee on Finance and Taxation.

By Mr. Keener (with notice and proof):

S. 3. Relating to Etowah County; to provide further for the compensation of election officers.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 3, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Parsons:

S. 4. To authorize and provide temporarily for the granting of relief in certain cases during an economic emergency, from inequitable foreclosure of mortgages on real estate and execution sales of real estate and for postponing certain sales and for extending the periods of redemption from certain others; to regulate the jurisdiction and procedure for such relief; to provide for the right to possession during the extended period; and to limit the right to maintain actions for deficiency judgments, and to extend the expiration of certain periods of redemption for a limited time; to create and establish the economic emergency council; to provide for its organization and to direct such council to study the economic conditions existing in Alabama and to authorize such council, with the concurrence of the governor, to determine whether, pursuant to the criteria prescribed in this Act, the economic conditions in Alabama have deteriorated to such an extent as to create an emergency warranting implementation of the provisions of this Act; to direct

the governor upon the determination that such emergency does, in fact, exist, to issue his proclamation designating the date on which the provisions of this Act providing for such economic relief will become effective; to provide for the dissolution of such council; and to prescribe an expiration date for the temporary relief provided by this Act.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 5. To authorize peace officers whose arrest powers are otherwise limited to a particular subdivision or subdivisions to make arrests in other subdivisions of this state in hot pursuit situations; to describe the arrest powers of such officers in hot pursuit situations; to define "hot pursuit"; to provide that this act shall not be construed to limit in any way the arrest powers of any peace officer; and to provide an effective date.

Committee on Judiciary.

By Mr. Gulledge:

S. 6. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Baldwin County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Gulledge:

S. 7. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, which relates to the qualifications of county engineers, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Committee on Local Legislation No. 1.

By Mr. Gulledge:

S. 8. To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations.

Committee on Governmental Affairs.

By Mr. Gulledge:

S. 9. Relating to voter registration; to amend Code of Alabama 1975, Section 17-4-158, so as to require that all city clerks be appointed as deputy registrars.

Committee on Governmental Affairs.

By Mr. Little:

S. 10. To establish the Revenue Forecast Control Commission to project anticipated state revenue and to prohibit the legislature from appropriating more than a certain percentage of the projected revenue.

Committee on Finance and Taxation.

By Mr. White:

S. 11. To provide increased criminal penalties and to remove juvenile offender status for certain persons convicted of committing certain crimes against elderly citizens.

Committee on Judiciary.

REGULAR SESSION  
1st Day

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By Mr. Weeks:

S. 12. To require the University of Alabama to produce its own radio programs describing the playing of its varsity football games; to provide that all revenues produced by the sale of advertising time on said radio programs shall be paid to the Athletic Department of said University.

Committee on Finance and Taxation.

By Mr. Weeks:

S. 13. To require Auburn University to produce its own radio programs describing the playing of its varsity football games; to provide that all revenues produced by the sale of advertising time on said radio programs shall be paid to the Athletic Department of said University.

Committee on Finance and Taxation.

By Mr. Martin:

S. 14. To exempt the Morgan County Council on Aging, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Holmes:

S. 15. To prescribe a period of voluntary prayer each day in the public schools.

Committee on Judiciary.

By Messrs. White and Parsons:

S. 16. To amend Sections 12-15-1, 12-15-32, and 44-1-2 of the Code of Alabama 1975, relating to juvenile proceedings and youth services, so as to revise the age of juveniles.

Committee on Judiciary.

By Mr. Keener (with notice and proof):

S. 17. Relating to Etowah County; to amend Section 1 of Act No. 302, H. 1043, Regular Session 1977 (Acts 1977, p. 403), relating to branch banks, so as to provide further for such banks.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 17, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Holmes:

S. 18. To require the Department of Pensions and Security to establish a toll-free telephone number to be used for reporting suspected cases of welfare fraud and abuse.

Committee on Health and Welfare.

By Mr. Vacca:

S. 19. To provide for the licensing of histotechnologists; to establish an Alabama Board of Examiners for Histotechnologists; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees and to provide penalty for violation of this act.

Committee on Health and Welfare.

By Mr. Vacca:

S. 20. Prohibiting any state agency from using the barter or similar system for acquiring goods or services; providing that each state agency must record each sales transaction and each purchase transaction; providing that each state agency return to the appropriate fund in the state treasury all revenues generated by sales transactions; and prescribing penalties for violations of the provisions of this act.

Committee on Governmental Affairs.

By Mr. Vacca:

S. 21. Relating to the Rules of the Road; prescribing certain load security requirements for certain hauling devices used for transporting logs and pulpwood on the public roads and highways of this state.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Vacca:

S. 22. To exempt the Our Lady of Angels Monastery, Inc. from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 23. To exempt the Kidney Foundation of Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Bailey:

S. 24. To prescribe disclosure procedures for the selling of Medicare supplement insurance policies and to require specific standards for policy provisions to be included within said policies.

Committee on Banking and Insurance.

By Mr. Little:

S. 25. To provide for the registration, licensing and regulation of buyers of gold and silver.

Committee on Judiciary.

By Mr. Little:

S. 26. To amend Section 20-2-93 of the Code of Alabama 1975, relating to forfeitures and seizures under the Alabama Uniform Controlled Substances Act so as to provide for the confiscation by the state of certain money used in illegal transactions involving controlled substances.

Committee on Judiciary.

By Messrs. St. John and Little:

S. 27. To provide for a durable power of attorney that may survive incompetency or until actual knowledge of death of the principal.

Committee on Judiciary.

By Mr. Martin:

S. 28. To amend Section 17-7-5.1 of the Code of Alabama 1975 so as to provide further for the time of holding elections in this state.

Committee on Governmental Affairs.

By Mr. Little:

S. 29. To amend Section 34-15-4, Code of Alabama 1975 relating to the duties of hotel owners, so as to provide that the hotel owners be required to install a smoke detector in each hotel room.

Committee on Judiciary.

By Mr. Kirkland:

S. 30. To recognize the right of an adult person to make a written directive instructing his physician to withhold life-sustaining procedures in the event of a terminal condition; to prescribe the procedure for executing such directive.

Committee on Judiciary.

By Mr. Gullledge (with notice and proof):

S. 31. Relating to Baldwin County; providing for an increase in compensation for members of the board of registrars.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 31, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Gullledge (with notice and proof):

S. 32. Relating to Baldwin County; providing for an additional allowance for election officials who work at polling places.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 32, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. deGraffenried:

S. 33. To amend the Code of Alabama 1975, Section 36-29-5, to authorize and empower the state employees' insurance board to provide coverage for dental care and treatment under the state employees' health insurance plan; to amend sections 36-29-9 and 36-29-10 to provide a method for direct payment of premiums for persons otherwise eligible who are precluded from having the cost of their coverage deducted from a monthly benefit payment.

Committee on Finance and Taxation.



By Mr. deGraffenried:

S. 34. To provide that any person, who is a retired teacher and retired under the provisions of the Teachers' Retirement System of Alabama, and who subsequent to said retirement becomes the Acting President of the University of Alabama, may elect to resume his participation in the Teachers' Retirement System of Alabama.

Committee on Education.

By Mr. Vacca:

S. 35. To make an additional appropriation to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund, for salaries and certain other expenses for the fiscal year ending September 30, 1981.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 36. To amend Section 40-18-19, Code of Alabama 1975, which exempts certain income from state income taxation, so as to exclude payments made to certain individuals from certain county or municipal retirement systems.

Committee on Finance and Taxation.

S. 37. WITHDRAWN

By Mr. Goodwin:

S. 38. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to delete the language that one of the judges in the fourth circuit be the presiding judge.

Committee on Judiciary.

By Mr. Goodwin:

S. 39. To exempt Alabama Sheriffs' Boys' and Girls' Ranches, Inc., from the payment of all state, county, and municipal sales and use taxes and to provide for retroactive effect.

Committee on Finance and Taxation.

By Mr. Gullledge:

S. 40. To amend Section 5-2A-120, Code of Alabama 1975, which provides for the appointment of the credit union board of the bureau of credit unions and to amend Section 5-2A-121 which provides for meetings of the credit union board of the bureau of credit unions.

Committee on Banking and Insurance.

By Mr. Keener:

S. 41. To amend Sections 12-17-140, 12-17-142, 12-17-143 and 12-17-147, Code of Alabama 1975, which relates to the supernumerary fund of clerks and registers of the circuit court, so as to: Require that the salary of each supernumerary clerk or register be paid on a bi-weekly basis; to place the clerks' and registers' supernumerary fund under the management and control of the employees' retirement system of Alabama; to provide that the secretary-treasurer of the employees' retirement system of Alabama shall invest such fund; to provide for refunds of contributions and accrued interest.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 42. To require that children under the age of five use a passenger restraint system in certain instances; to provide penalties for violation of the act.

Committee on Judiciary.

By Mr. Miller:

S. 43. To provide that medical hospitals for humans, emergency rooms connected thereto, and nursing homes, submit itemized statements, upon request, to patients, of services rendered by said institutions and to provide penalties for failure to submit said statements.

Committee on Health and Welfare.

By Mr. Gulledge:

S. 44. To repeal Section 5-2A-103, Code of Alabama 1975, which provides for the payment of operating expenses of the bureau of credit unions.

Committee on Banking and Insurance.

By Mr. Teague:

S. 45. To amend Sections 37-2-41, 37-4-23 and 37-4-24 of the Code of Alabama 1975 relating to inspection and supervision fees paid by transportation companies and utilities and the recovery of delinquent fees.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Vacca:

S. 46. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

Committee on Banking and Insurance.

By Mr. Vacca:

S. 47. To define motorized bicycles, to prescribe the licensing procedure and allocation of license fees, to apply certain rules of the road and safety requirements and to require no insurance for the operation of such motorized bicycles.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. St. John:

S. 48. To amend Section 27-29-2, Code of Alabama 1975 (as amended Act Number 80-199, Acts of Alabama 1980), which provides for investments in subsidiaries and affiliates of domestic insurance companies.

Committee on Banking and Insurance.

By Mr. Cook:

S. 49. To amend Section 31-2-60, Code of Alabama 1975, which provides for the organization of the military department; qualifications, appointment, rank, etc., of employees of the military department; applicability

of merit system to department officers and employees so as to further provide for the number of assistant adjutants general for army that are authorized by National Guard Bureau rules and regulations.

Committee on Governmental Affairs.

By Mr. Cook:

S. 50. To provide that members of the national guard while on emergency state active duty and while actually performing a mission in connection with emergency state active duty, and when the Governor has declared that emergency powers are necessary, members of the national guard selected by the Adjutant General or his designated representative, shall be possessed with the same legal authority as any other state law enforcement officer, including but not limited to all law enforcement powers including powers of arrest and to further provide for the wearing of badges.

Committee on Judiciary.

By Mr. Cook:

S. 51. To provide for criminal penalties for failure to obey a lawful order of a member of the state national guard when said member of the national guard is lawfully serving on state active duty.

Committee on Judiciary.

By Mr. Cook:

S. 52. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Committee on Judiciary.

By Mr. Cook:

S. 53. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

Committee on Judiciary.

By Mr. Kirkland:

S. 54. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section

7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-409 pertaining to financing statements covering consigned or leased goods; Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act and to provide for an effective date.

By Mr. Kirkland:

S. 55. To require all manufacturers and distributors of prescription drugs to provide for the identification of drug products in finished solid oral dosage form; to provide for an exemption in the case of hardship or for drugs compounded in a pharmacy; to provide for the disclosure of descriptive information; to provide for the adoption of rules; and to provide for an effective date.

Committee on Health and Welfare.

By Mr. Kirkland:

S. 56. To amend Sections 12-16-100 and 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Committee on Judiciary.

By Mr. Kirkland:

S. 57. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child once required to be tried as an adult shall automatically be tried as an adult in subsequent criminal proceedings.

Committee on Judiciary.

By Mr. Kirkland:

S. 58. To amend Section 12-15-67, Code of Alabama 1975, expanding the use of statements made by minors.

Committee on Judiciary.

By Mr. Vacca:

S. 59. Relating to interest and usury: To amend Act No. 80-435 of the 1980 Legislature of Alabama and Section 8-8-5, Code of Alabama 1975, relating to certain loans to which usury laws do not apply, so as to provide that such laws do not apply to any person or entity, whether or not organized for profit, nor to any transaction thereunder, whether or not in default; to define terms used therein; to repeal Section 1(e) of Act No. 80-435; to repeal conflicting laws; to provide that provisions of this Act are severable; and, to provide for an effective date.

Committee on Banking and Insurance.

By Mr. Holmes:

S. 60. To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

Committee on Education.

By Mr. Harrison:

S. 61. To amend the title and sections 1, 2, 6 and 7 of Act No. 80-739, S. 403, of the 1980 Regular Session now appearing as sections 40-17-160 through 40-17-166 of the Code of Alabama 1975 relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles, provide further for decals to be placed on such vehicles, provide certain exemptions from taxation of such gas, and to provide further for penalties for the violation of the provisions of the act.

Committee on Finance and Taxation.

By Mr. Keener:

S. 62. To amend Section 37-1-66 relating to the powers of members of the Enforcement Division of the Public Service Commission.

Committee on Judiciary.

By Mr. Keener:

S. 63. To amend Section 37-3-31 relating to Public Service Commission appropriations and Section 37-3-32 increasing the registration fees of motor carrier vehicles.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 64. To provide for the issuance of distinctive license plates to the recipients of the Medal of Honor.

Committee on Governmental Affairs.

By Mr. St. John:

S. 65. To reopen the state employees' retirement system for persons who served as sheriff and also as county road commissioner for a prescribed period; to provide that such persons shall be eligible in such retirement system regardless of supernumerary status or status in any other pension plan; to prescribe the manner that such person shall pay into the retirement system; to provide for the employer's cost; and to prescribe the time for applying for participation in such retirement system.

Committee on Finance and Taxation.

By Mr. Little:

S. 66. To provide for a special discount utility rate for certain persons 62 years of age or older and certain totally disabled and totally blind persons during periods of high electric or natural gas usage, provides for administration of the discount rates by the Department of Pensions and Security and provides for reimbursement of the utility by a credit against the state public utility license tax liability of such utility.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. St. John:

S. 67. To further amend Section 4 of Act No. 551, H. 321, Regular Session 1967 (Acts 1967, Vol. II, p. 1300), as amended, relating to the Alabama State Council on the Arts and Humanities so as to bring the employees of such Council under the provisions of the Merit System and State Employees' Retirement System.

Committee on Finance and Taxation.

By Mr. St. John:

S. 68. To amend Sections 27-3-11, 27-6-3, 27-27-29 and 27-41-4, Code of Alabama 1975, to permit the use of clearing corporations and book-entry in connection with deposits and investments, and to permit the assets to be reflected on the books of clearing corporations and composed of book-entries.

Committee on Banking and Insurance.

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. White, Proctor, Hilliard, deGraffenried, Cook, Parsons, Holmes and Miller:

S. 69. To amend Section 16-40-7 of the Code of Alabama, 1975, requiring comprehensive health education in the public schools of Alabama, so as to further provide for the commencement of such instructions for certain pupils and to prescribe the minimum health instruction requirements for grades K through nine.

Committee on Health and Welfare.

By Messrs. White, Parsons, Smith, Teague and St. John:

S. 70. To abolish the State Licensing Board for the Healing Arts; to transfer all of the powers of the State Licensing Board for the Healing Arts with regard to chiropractors to the State Board of Chiropractic Examiners; and to provide for the transfer of property and assets to the State Board of Medical Examiners for the use of the Medical Licensure Commission.

Committee on Health and Welfare.

By Messrs. White, Parsons, Smith, Teague and St. John:

S. 71. To create a commission to be known as the Medical Licensure Commission appointed by the Governor, Lieutenant Governor, and Speaker of the House; to set the terms of office of the members of the Commission and stagger those terms; to give the Commission exclusive power and authority to issue, revoke and reinstate all licenses to practice medicine or osteopathy; to give the Commission authority to promulgate reasonable rules and regulations; to require the Commission to receive and consider but not be bound by the recommendation of the State Board of Medical Examiners prior to exercising its authority under this Act; to provide that all personnel and facilities necessary for administration of this Act be furnished by the State Board of Medical Examiners, and to provide that all money, funds, fees, charges, and other receipts provided for in this Act be paid to the State Board of Medical Examiners to carry out the provisions of this Act; to authorize the State Board of Medical Examiners to employ the individuals necessary for assisting the Commission; to give the Commission and the Board power to call upon prosecuting attorneys for assistance without charge; to give an applicant whose application for a certificate of qualification is denied by the Board a right of appeal to the Commission; to provide for appropriate fees to be charged for administration of this Act; to provide that the State Board of Medical Examiners shall have the duty to promote continuing medical education of all licensed physicians and osteopaths and empower the Board to provide funds to any nonprofit corporation for the purpose of conducting continuing medical education programs without being bound by competitive bidding laws; to establish the necessary administrative provisions for administration of this Act; to authorize the State Board of Medical Examiners to collect all fees provided for in this Act and require the Board of Medical Examiners to furnish all employees and facilities utilized by the Commission; to provide that the State Board of Medical Examiners shall continue to collect fees for examination, certificates of qualification, and such other fees as are authorized by law or this Act; to give the Commission authority to seek an injunction against any person engaged in the unlawful practice of

medicine or osteopathy; to require that licenses to practice medicine or osteopathy be recorded in the office of judge of probate in the county in which the licensee resides; to provide that any person who practices medicine or osteopathy without having complied with the provisions of this Act and any person who violates any of the provisions of this Act be fined not less than \$500.00 (five hundred dollars) and not more than \$1,000.00 (one thousand dollars), and, in addition, at the discretion of the trial judge may be imprisoned in the county jail for not more than 12 (twelve) months; to provide that each day a person practices medicine or osteopathy without meeting all of the requirements of all laws now in force and of this Act shall constitute a separate offense; to provide that any person filing or attempting to file as his own a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree; to give the Medical Licensure Commission the power and duty to suspend for a specified time to be determined in the discretion of the Commission or revoke a license whenever the licensee is found guilty on the basis of substantial evidence of any of the specified grounds in the Act; to establish acts or offenses which constitute grounds for the Medical Licensure Commission to suspend or revoke licenses to practice medicine or osteopathy; to provide that every physician who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing or by making and filing an annual registration to practice medicine or osteopathy shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations at the direction of the Board or Commission and provide that the physician shall be deemed to have given his consent to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications; to establish procedures by which the State Board of Medical Examiners shall investigate complaints against physicians or osteopaths and make recommendations to the Medical Licensure Commission; to establish procedures by which hearings for suspension or revocation of a license shall be conducted by the Commission; to give the authority to the Commission to temporarily suspend the license of a physician or osteopath without a hearing where the physician's or osteopath's continuation in practice may constitute an immediate danger to his patients or to the public; to provide procedures whereby a physician or osteopath may surrender his certificate of qualification or request in writing that a restriction be placed on his certificate of qualification; to specify the actions that may be taken by the Commission if a physician or osteopath is found guilty of any of the acts, offenses or conditions specified in this Act; to grant subpoena power to the Commission and to the Board; to authorize depositions to be taken on a commission issued by the executive officer of the Commission or by the executive director of the Board; to provide that any order of the Medical Licensure Commission suspending or revoking a license to practice medicine or osteopathy shall have immediate effect and shall not be stayed or held in abeyance by any court; to provide that if a court of competent jurisdiction determines that the Commission acted arbitrarily or capriciously or that the Commission grossly abused its discretion, that the order of the Commission shall be vacated upon issuance of a peremptory writ of mandamus; to provide that the reviewing court shall not itself hear or accept any further evidence with respect to issues of fact determined by the Commission; to provide for the repeal of conflicting laws; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.



By Mr. Smith:

S. 72. To amend extensively the "Sunset Act of 1976, in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or non-enumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

Committee on Governmental Affairs.

By Mr. Smith:

S. 73. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-4, 34-29-20, 34-29-41, and 34-29-45 of the Code of Alabama 1975, so as to: limit board members to two terms; and authorize the board to increase the following fees: (1) examination fee for veterinarians, not to exceed \$50.00; (2) annual renewal fees for veterinarians, not to exceed \$25.00; (3) examination fee for animal technicians, not to exceed \$25.00; and (4) annual renewal fees for animal technicians, not to exceed \$15.00.

Committee on Governmental Affairs.

By Mr. Smith:

S. 74. Relating to the continued existence and functioning of the State Pilotage Commission provided for in Sections 33-4-1 through 33-4-57 of the Code of Alabama 1975, and as otherwise provided by law.

Committee on Governmental Affairs.

By Mr. Smith:

S. 75. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Polygraph Examiners as provided in Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24, and 34-25-29, Code of Alabama 1975; and to repeal Section 34-25-3 of the Code of Alabama 1975, so as to: Eliminate the

requirement that appointees to the board be approved by the senate; remove the board's authority to set travel and expense allowances; authorize the board to set salaries of its employees and hire temporary investigatory employees; provide further for the collection and use of fees of the board; provide for \$50.00 per day plus mileage allowance for board members when meeting; provide same mileage and per diem travel expenses for board members as are paid to state employees; authorize board to determine which expenses of the board are necessary, subject to state bid law; provide board's purchases may be made through state finance department purchasing agency; exempt board from payment of state sales tax; lower age requirement for examiners from 25 to 21; alter the baccalaureate requirement of examiners; to place board on same fiscal year as the state; and to repeal Section 34-25-3, Code of Alabama 1975, which prescribes the type of instrument examiners must use.

Committee on Governmental Affairs.

By Mr. Smith:

S. 76. To terminate the state agency for social security, and its advisory board, created by Section 36-28-3, Code of Alabama 1975, and to transfer the functions, duties and responsibilities, including any federal contractual obligations, to the state retirement systems; to provide that all monies collected by the board, and thereafter by the retirement systems, shall be transferred to the state treasury and that any accrued interest thereon shall be credited to the state general fund, and to provide that the provisions hereof shall become effective September 30, 1981.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 77. To repeal Sections 10-4-360 through 10-4-364 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Yacht Club Association and to provide for an effective date.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 78. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Services as provided in Sections 34-13-1 through 34-13-134 and Sections 34-13-150 through 34-13-152 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-13-4, 34-13-10, 34-13-23, 34-13-28, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131; and to repeal Section 34-13-30 of the Code of Alabama 1975 so as to: Eliminate the requirement of the board to distribute statutes and regulations each four years and instead distribute only upon request; declare certain violations as misdemeanors and allow appropriate prosecution; provide further clarification concerning travel expenses of the board; require annual reporting to the Governor and to the Legislature instead of to the Secretary of State; authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; distribute directory of licensees only on request instead of annually; allow board to increase annual renewal fees for funeral directors and embalmers up to \$25.00 and up to \$100.00 for operators; provide penalties of up to \$25.00 for lapsed licenses; allow board to increase application fees for funeral directors and embalmers up to \$100.00; require board to charge \$15.00 for second or subsequent

inspections of prospective licensed establishments; allow board to increase application fee for funeral establishments up to \$300.00; lower minimum age and educational requirements for funeral director or embalmer apprentices; allow board to increase apprentice fees up to \$20.00; require apprentice time to be supervised; and to repeal a provision of law which transferred funds to the board from its predecessor board, the purpose of which has been served.

Committee on Governmental Affairs.

By Mr. Smith:

S. 79. Relating to the continued existence and functioning of the Board of Medical Scholarship Awards provided for in Sections 16-47-121 through 16-47-129 of the Code of Alabama 1975, and as otherwise provided by law.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 80. Relating to the continued existence and functioning of the Board of Dental Scholarship Awards provided for in Sections 16-47-76 through 16-47-81 of the Code of Alabama 1975, and as otherwise provided by law.

Committee on Governmental Affairs.

By Mr. Smith:

S. 81. To provide that each candidate for nomination to the public office of county commissioner shall have been a citizen of this state and a resident of his respective county for six months next before the date set out for filing of the declaration of candidacy under Section 17-16-11(a) Code of Alabama, 1975, as amended to be eligible to hold the office of county commissioner.

Committee on Governmental Affairs.

By Mr. Smith:

S. 82. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$100.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure; remove quasi-judicial status and civil immunity status from the board; and require all members of the board to be licensed auctioneers.

Committee on Governmental Affairs.

By Mr. Smith:

S. 83. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons as provided in Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 2-28-1, 2-28-4, 2-28-7, 2-28-8 and 2-28-10 of the Code of Alabama 1975 so as to: delete the definition of "suboffice"; authorize a fee for each examination given by the board; to authorize the denial or revocation of certificates or licenses of individuals

regulated by the board; to authorize the board to provide for reciprocal agreements with other states; and increase existing bond coverage and provide for insurance for products liability for licensees of the board.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 84. Relating to the continued existence and functioning of the State Board of Bar Examiners provided for in Sections 34-3-1 through 34-3-108 of the Code of Alabama 1975, as amended, specifically in Sections 34-3-2 and 34-3-40.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 85. To repeal Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, as amended, so as to terminate the existence and functioning of the Alabama Board of Social Work Examiners, to provide for an effective date, and to revert any monies of said board to the state general fund.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 86. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners of Mine Personnel as provided in Sections 25-9-9 through 25-9-18, Code of Alabama 1975, as amended, with certain modifications; to amend Sections 25-9-9 and 25-9-10 of the Code of Alabama 1975, so as to: Authorize the board to increase examination fees not to exceed \$60.00; and to authorize per diem for board members up to the maximum allowed for state employees.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 87. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Speech Pathology and Audiology as provided in Sections 34-28A-1 through 34-28A-44 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-28A-21, 34-28A-23, 34-28A-24 and 34-28A-40 of the Code of Alabama 1975, so as to: Require applicants to pass an examination approved or promulgated by the board; remove requirement of board to maintain permanent records of all examination scores; provide that four (4) board members constitutes a quorum; and delete a waiver of examination provision (grandfather clause) which has served its purpose.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 88. Relating to the continued existence and functioning of the State Real Estate Commission provided for in Sections 34-27-1 through 34-27-38 of the Code of Alabama 1975.

Committee on Governmental Affairs.

By Mr. Holmes:

S. 89. To terminate the existence and functioning of the State Board of Registration for Sanitarians, and to transfer its training funds or monies, duties and functions to the State Health Department.

Committee on Governmental Affairs.

By Mr. Proctor:

S. 90. To amend Section 40-12-244 of the Code of Alabama 1975 relating to certain exemptions of the state license tax and registration fee so as to include the personal vehicle of each member of emergency medical services, volunteer fire departments and rescue squads.

Committee on Governmental Affairs.

By Mr. Miller:

S. 91. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits retired probate judges from practicing law.

Committee on Judiciary.

By Mr. Proctor:

S. 92. To amend several sections of present law relating to public health. The sections amended include 22-11-1, 22-11-2, 22-11-3, 22-11-4, 22-11-5, 22-11-6, 22-11-7, 22-11-8, 22-11-12, 22-11-13, 22-11-14, 22-11-15, 22-11-16, 22-12-3, 22-12-4, 22-20-2, Code of Alabama, 1975, relating to notifiable diseases, and repeals Section 22-13-12, Code of Alabama, 1975, relating to cancer treatment reports.

Committee on Health and Welfare.

By Messrs. Proctor, Higginbotham and Bailey:

S. 93. To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and municipalities, municipal electric utility boards and public corporations owning or operating electric distribution systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and

require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, along with all income and property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. Little, Robertson, Kirkland, Smith, Holmes, Taylor, Higginbotham and Hall:

S. 94. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

Committee on Finance and Taxation.

By Messrs. Little, Parsons, Barron, Proctor, Britnell, McDonald, Smith, Vacca, Bailey, Higginbotham, Mitchem, Hall and Miller:

S. 95. To establish an employee suggestion award program whereby cash or awards may be made to state employees whose adopted suggestions result in savings or improvement in state government.

Committee on Governmental Affairs.

By Messrs. Little and McDonald:

S. 96. To provide for a guaranteed minimum starting wage or salary for all county, municipal, or political subdivision law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Committee on Finance and Taxation.

By Messrs. Proctor and Vacca:

S. 97. To amend Section 32-5-313, Code of Alabama 1975, which prescribes monetary penalties for traffic infractions, so as to provide further for the distribution of the fees.

Committee on Judiciary.

By Mr. Proctor:

S. 98. Relating to judicial retirement; to provide that any circuit court judge in the 18th judicial circuit shall be entitled to receive credit for service as a district attorney and/or a county court judge.

Committee on Finance and Taxation.

By Mr. Proctor:

S. 99. To provide that any adult who is convicted of any felonious sexual offense upon a minor under the age of 16 shall not be eligible for parole.

Committee on Judiciary.

By Messrs. Parsons, Miller, Vacca, Robertson, White, Mitchem, Teague, Callahan, Holmes, Harrison, Bailey, Taylor, Denton, Little, Martin, Glass, McDonald, Goodwin, Keener, Figures, Kirkland, Barron, Hilliard, Higginbotham, Britnell, Hall and deGraffenried:

S. 100. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

Committee on Judiciary.

By Mr. Proctor (with notice and proof):

S. 101. Relating to Talladega County; to amend further Act No. 79-592, H. 948, 1979 Regular Session (Acts 1979, p. 1051), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to further provide for said financing by increasing the costs and charges of Court.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 101, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

REGULAR SESSION  
1st Day

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By Messrs. Proctor and Parsons:

S. 102. To provide an annual salary for members of county and city boards of education.

Committee on Education.

By Mr. Miller:

S. 103. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1982, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 104. To extend the statute of limitations in regard to violations of the competitive bid laws.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 105. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount.

Committee on Finance and Taxation.

By Messrs. Holmes, Keener, Britnell, Robertson, Mitchem, Barron, Denton, Lemaster, Harrison, Parsons, Martin, Hall, Gulledege, Vacca and Cook:

S. 106. To amend § 40-17-220, Code of Alabama, 1975 to provide that purchases of gasoline, motor fuel and lubricating oil by city and county boards of education shall be exempt from taxation under the levy provided for in § 40-17-220, Code of Alabama, 1975.

Committee on Finance and Taxation.

By Mr. Holmes:

S. 107. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of exempting from taxation the motor fuel known as "gasohol," as defined herein, and to exempt "gasohol" manufactured or distilled in another state, if that state exempts gasohol manufactured or distilled within the State of Alabama.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. St. John:

S. 108. To require the chief administrative official of each hospital to report to the Alabama State Board of Medical Examiners any disciplinary action taken concerning any physician when such action is related to professional ethics, medical incompetence, moral turpitude, or drug or alcohol



abuse; to define disciplinary action; to require the report to be in writing and made within sixty (60) days of the date of the action; to require any professional society of physicians which takes formal disciplinary action against a member to report such action to the Alabama State Board of Medical Examiners when the action taken is related to professional ethics, medical incompetence, moral turpitude or drug or alcohol abuse; to require the report to be in writing and made within sixty (60) days of the action; to provide that any report made pursuant to this act shall be privileged from discovery; and to provide that the individual making the report shall be immune from liability.

Committee on Judiciary.

By Mr. Teague:

S. 109. To amend Section 9-11-194 of the Code of Alabama 1975, relating to the marking of licensed, wire fish baskets so as to provide that the location of said baskets shall not be required to be marked with a buoy or float.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Keener (with notice and proof):

S. 110. Relating to Etowah County; setting the compensation of supernumerary district attorneys and providing for a supplement from the general funds of such county under certain circumstances.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 110, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Parsons:

S. 111. Proposing an amendment to the constitution of Alabama 1901 so as to abolish the Jefferson County judicial commission and provide further for filling vacancies in the office of judge of the circuit court in the tenth judicial circuit.

Committee on Local Legislation No. 2.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. McDonald, Smith and Lemaster:

S. 112. To amend Sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, or whether created by general, special or local laws, or general laws of local application, if the authority governs an airport operated by a county and at least one municipality therein jointly, to be eligible recipients of funds and assistance from the state industrial development authority.

Committee on Governmental Affairs.

By Mr. McDonald:

S. 113. To provide that any annually appropriated funds allocated to local boards of education, except funds specified to be spent for personnel salaries, may be transferred between and among line items, provided that such transfer shall not exceed twenty (20) percent of the amount appropriated for each line item and to further provide that such limitation shall not apply during years in which proration is declared.

Committee on Finance and Taxation.

By Mr. St. John:

S. 114. To amend Section 34-24-58, Code of Alabama, 1975, as amended, to provide that all information, interviews, reports, statements, memoranda or other data furnished to any committee as defined in this section, and any findings, conclusions, or recommendations resulting from the proceedings of any such committee shall not be subject to subpoena or discovery in any proceeding, civil or criminal, in any court, whether a court of record, a grand jury investigation, a coroner's inquest or any proceeding or hearing before any public officer or administrative agency of the state or any political subdivision thereof.

Committee on Judiciary.

By Mr. Pearson:

S. 115. To make a supplemental appropriation to the State Board of Pardons and Paroles for the fiscal year ending September 30, 1981.

Committee on Finance and Taxation.

By Messrs. Goodwin and Taylor:

S. 116. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Goodwin:

S. 117. To amend Sections 2-5-3 and 2-5-4 of the Code of Alabama 1975 so as to raise the per diem of appointive members of the Farmers' Market Authority and to increase the salary of the administrator of the Farmers' Market Authority.

Committee on Finance and Taxation.

By Messrs. Callahan and Denton:

S. 118. To amend Section 40-5-9 of the Code of Alabama 1975, relating to ad valorem taxation so as to provide a ten percent (10%) penalty for the delinquent payment of same and to increase the interest due thereon.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 119. Relating to banks and banking: To permit any bank, with the prior consent of the Superintendent, to establish and maintain one or more branches at any location where such bank could establish a branch were it a

federal or state savings and loan association or credit union; to provide that the provisions of this Act are cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act; and, to provide for an effective date of this Act.

Committee on Banking and Insurance.

By Mr. Callahan:

S. 120. To amend Act No. 80-658 of the 1980 Legislature of Alabama to authorize any banking corporation or trust company organized under the laws of this state to convert into and merge or consolidate with a national banking association without the approval of any state authority but with the consent of the holders of a majority in amount of its stock, to provide that stockholders' meetings for such purposes be called by resolution of the board of directors, to provide the procedure for notice or waiver of notice to stockholders of such meetings, to provide for the vesting in such national banking association of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such national banking association of all the rights, duties and obligations of such state banking corporation or trust company in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in respect to any executorship, trusteeship, administration of estate or other similar fiduciary relation, to provide that the rights of dissenting shareholders be governed by the applicable laws of Congress, to entitle dissenting shareholders to receive in cash the value of their shares in the state bank, to provide that any bank, whether a national or a state bank, surviving or resulting from a merger, conversion or consolidation (defined as a "reorganization") may, regardless of the county of location of the principal office of such bank, continue to maintain and operate all banking offices maintained and operated at the time of said reorganization and with appropriate regulatory approval, thereafter establish and operate additional banking offices in counties where banking offices are maintained at the time of the reorganization to the same extent that the bank which was a party to said reorganization could, under laws in effect at the time of the proposed establishment, have established additional banking offices had it not participated in such reorganization, to provide that this Act shall not be deemed to confer upon a bank resulting from or surviving a reorganization the right to establish additional banking offices which could not have been established by a bank which was a party thereto had such reorganization not occurred, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

Committee on Banking and Finance.

By Mr. Teague:

S. 121. To provide that any member of the judicial retirement fund shall be entitled to purchase prior service credit toward retirement for certain time served in the legislature.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 122. To amend Section 32-6-60 of the Code of Alabama 1975, relating to licensing, registration and ad valorem taxation of motor vehicles, so as to specify the legislative intent regarding issuance fees; to provide for credit for overpayments; and make the provisions retroactive.

Committee on Finance and Taxation.

By Messrs. Mitchem, Smith, Goodwin and Denton:

S. 123. To make a supplemental appropriation for the use of the State Department of Corrections for payment to the several counties for a portion of expenses incurred for the housing and confinement of state prisoners in county jails and to make such appropriation conditional upon the condition of the State General Fund and upon the approval of the Governor.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 124. Relating to banks and branch banking: To permit any bank maintaining an office within any standard metropolitan statistical area to establish one or more branches at any location within said standard metropolitan statistical area with the consent and approval of the Superintendent of Banks; to define the term "standard metropolitan statistical area"; and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Committee on Banking and Insurance.

By Mr. Callahan:

S. 125. Relating to banks and branch banking: With the prior consent of the Superintendent, to permit any bank to establish one or more branches at any location within the limits of any county contiguous to a county within which any banking office of the bank is located and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Committee on Banking and Insurance.

By Mr. Callahan:

S. 126. Relating to banks and branch banking: To permit the establishment of branch banks at any location within the county in which a bank has a banking office, with the consent and approval of the Superintendent, and to repeal all laws or parts of laws in conflict with this Act, to provide that the provisions of this Act are cumulative, to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Committee on Banking and Insurance.

By Mr. Callahan:

S. 127. Relating to banks and branch banking: To permit any bank to establish branch banks at any location within the State of Alabama with the consent and approval of the Superintendent of Banks and to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act; and, to provide for an effective date of this Act.

Committee on Banking and Insurance.

By Mr. Teague:

S. 128. To amend Section 41-16-54, Code of Alabama 1975, in order to require that notices of the solicitation for bids be sent to the groups, organizations or associations for distribution to interested contractors.

Committee on Governmental Affairs.

By Mr. Teague:

S. 129. To amend Section 40-23-50, Code of Alabama 1975, in order to exempt from the gross receipts tax levied therein amounts paid to road contractors under contractual escalation provisions for escalations in the cost of fuels, materials, and/or labor.

Committee on Finance and Taxation.

By Mr. Teague:

S. 130. Relating to the real estate business in Alabama; amending §§ 34-27-7 and 34-27-31 through 34-27-35 in order to increase the size of the Alabama real estate commission, provide further for the terms of office of the members of such commission, and for the performance of their duties; and to regulate further the licensing of persons engaged in the real estate business in this state and to increase certain fees in relation to such licensing.

Committee on Governmental Affairs.

By Mr. Teague:

S. 131. To amend Section 13A-14-5, Code of Alabama 1975, to further regulate the solicitation of advertisement by any person, firm, corporation, State or Federal Peace Officers Association for any Peace Officers Magazine or Journal, to provide penalties for violation of this Act.

Committee on Judiciary.

By Mr. White:

S. 132. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

Committee on Governmental Affairs.

By Mr. Mitchem:

S. 133. To amend Section 7-2-316 of the Code of Alabama of 1975 relating to exclusion or modification of warranties so as to provide that with respect to the sale of cattle, swine, sheep, goats, horses, mules and asses, there shall be no implied warranty that such animals are free from diseases.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Higginbotham:

S. 134. To prohibit certain acts relating to tampering with motor vehicle odometers, to require transferor's giving of an odometer certification, recording of mileage on title or bill of sale; and to provide penalties for violation.

Committee on Judiciary.

By Mr. Higginbotham:

S. 135. To amend Code of Alabama, 1975, § 16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

Committee on Education.

By Mr. Higginbotham:

S. 136. To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Management Surplus Reserve Accounts; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

Committee on Finance and Taxation.

By Mr. Higginbotham:

S. 137. To amend Sections 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provisions of this act.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Higginbotham:

S. 138. To amend Section 23-1-41 of the Code of Alabama 1975 which provides for insurance to employees of the state highway department who may be killed or injured in the line and scope of their employment so as to provide for a self-insurance program for such employees; to provide for administration of such program with state highway department personnel; to provide for the financing of such program with highway department funds; to provide for retroactive effect to February 1, 1980 and to provide that any reinsurance policies in effect on the effective date of this Act shall continue in force until September 30, 1981.

Committee on Finance and Taxation.

By Mr. Higginbotham:

S. 139. To provide that no commercial enterprise or activity shall be maintained, constructed, or located within the right-of-way limits of any highway or bridge on the state highway system whether temporary or permanent, stationary or portable, except utility structures authorized by permit issued by the state highway department; to further provide the penalty for violations.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. St. John:

S. 140. To amend Section 12-16-62, Code of Alabama 1975, relating to exemptions from jury service, so as to exempt certain legislative officers and employees.

Committee on Judiciary.

By Mr. St. John:

S. 141. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1980 session of the Legislature, with the exception of the Alabama Business Corporation Act (Act No. 80-633, H. 81, 1980 Regular Session), as contained in the 1980 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

Committee on Governmental Affairs.

By Mr. Denton:

S. 142. To provide an additional alternative procedure whereby incorporated municipalities in Classes 4, 5, 6, 7 and 8 of this state may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory upon petition of certain majority landowners of the area sought to be annexed; to require the furnishing of certain municipal services as a condition to assessing ad valorem taxation in the annexed area.

Committee on Governmental Affairs.

By Mr. Denton:

S. 143. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Committee on Governmental Affairs.

By Mr. Vacca:

S. 144. To amend Sections 11-52-74 and 11-52-77, Code of Alabama 1975, which Sections relate to procedure for adoption of zoning ordinances, so as to provide that a synopsis of any proposed ordinance be published or posted and notice be given of the time and place that the ordinance is to be considered by the municipal legislative authorities and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

Committee on Governmental Affairs.

By Mr. Vacca:

S. 145. To regulate all security guards in this State; to provide a title; to define certain terms; to create the Alabama Private Security Regulatory Board; to provide for powers and duties of such Board; to provide for licenses for persons engaged in a private security business; to provide for registration of proprietary and contract security guards; to provide for registration fees; to provide for qualifications; to provide for training requirements; to provide for carrying of firearms; to provide for uniform and motor vehicle identifying insignia; to provide for unlawful acts; and to provide for an effective date.

Committee on Governmental Affairs.

By Mr. deGraffenried:

S. 146. To amend Sections 12-16-58, 12-16-70, 12-16-74, 12-16-76, 12-16-100 to provide for the drawing, selecting, empaneling, and summoning of juries in both civil and criminal cases; to provide a random selection formula for filling the master jury box; to abolish the requirements of a special venire and that excusals be heard in the presence of the defendant; to provide for a minimum number of qualified jurors from which to strike in criminal cases and to provide for the number of strikes available to the district attorney and the defendant; and further to provide for an optional combined qualification and summons process from the master list that, notwithstanding any provisions of Title 12, Section 16, Code of Alabama 1975, which eliminates the master jury box and modifies the juror qualification process; to provide for computerization of the selection process; and to repeal Sections 12-16-71, 12-16-75, 12-16-77, 12-16-79, 12-16-102, 12-16-120, 12-16-121, 12-16-122, 12-16-123, 12-16-124, 12-16-125, 12-16-126, and 12-16-127, Code of Alabama 1975.

Committee on Judiciary.

By Messrs. deGraffenried and Robertson:

S. 147. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to remove the limitations of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

Committee on Governmental Affairs.

By Messrs. deGraffenried and Robertson:

S. 148. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to remove the limitations of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Code of Alabama 1975; to provide an effective date.

Committee on Governmental Affairs.

By Mr. deGraffenried:

S. 149. Relating to legal expense insurance and to Legal Service Insurance Corporations; creating chapter 42 of Title 27, Code of Alabama, 1975, consisting of ss. 27-42-1 through 27-42-23; authorizing organization of legal service insurance corporations, providing for exceptions; providing for public regulation of legal service insurance corporations; providing for deposit or bond; providing policy and certificate form and premium rate requirements; requiring annual reports and making certain provisions of the insurance laws applicable to legal service insurance corporations; providing for registration of contracting sales agents and the reporting and accounting of funds received; providing grounds and procedure for compulsory and discretionary revocation, suspension or refusal or registration for contract sales agents; providing for administrative fine in lieu of suspension or revocation of registration; providing that the act shall not regulate the practice of law or the authority of the Supreme Court of Alabama or State Bar of Alabama; providing an effective date.

Committee on Governmental Affairs.



By Mr. Cook:

S. 150. To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Vacca:

S. 151. To amend § 41-4-156, Code of Alabama, 1975, to add the municipal clerks of incorporated municipalities to the list of persons receiving acts of the Legislature.

Committee on Governmental Affairs.

By Messrs. deGraffenried and Robertson:

S. 152. To amend Section 2 of Act No. 80-583, S. 453, Regular Session 1980 (Acts 1980, p. 896) in order to clarify the term of office for the additional district judgeship in Tuscaloosa County.

Committee on Finance and Taxation.

By Mr. White:

S. 153. To provide for the creation and organization of the Alabama Department of Environmental Management; to provide for legislative intent and purposes of the Act; to provide for definitions; to provide for powers and functions of the Department; to provide for an advisory committee to the Director; to provide for a Board of Appeals within the Department; to provide for powers and functions of the Board of Appeals; to provide for appeals of administrative actions; to provide for adopting rules and regulations; to provide for the transfer of functions and personnel; to provide for an interim appropriation; to provide for the repeal or amendment of certain sections of the Code of Alabama 1975, as amended; to provide for the creation of the Alabama Department of Environmental Management Fund; to provide for the transfer of personnel, funds, functions and equipment of the Coastal Area Board to the Office of State Planning and Federal Programs; to provide for the severability of provisions of the Act; to provide that this Act supplements existing law; and to provide for an effective date of this Act.

Committee on Health and Welfare.

By Mr. Denton:

S. 154. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Gullledge:

S. 155. To amend Sections 11-48-48 and 11-48-49, Code of Alabama 1975, which Sections relate to the payment of municipal improvement assessments, so as to liberalize the times for payments and to adjust interest rates; to provide an effective date.

Committee on Governmental Affairs.

By Mr. Mitchem:

S. 156. To make a supplemental appropriation to the Department of Public Health from the Vital Statistics Fund, Hospital Licensing Fund and Hearing Aid Fund as provided in Title 34, Chapter 14, Article 1 and 2, 1975, Code of Alabama for the fiscal year ending September 30, 1981.

Committee on Finance and Taxation.

By Messrs. Harrison, Robertson, Taylor, Holmes and Denton:

S. 157. To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain preschool programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed.

Committee on Health and Welfare.

By Messrs. Harrison and Robertson:

S. 158. Relating to the regulation of day care centers; providing for fire and health inspections of such centers; requiring certain records to be kept; and authorizing the district attorney to investigate any allegations of violations of the laws of the state by any such child care center.

Committee on Health and Welfare.

By Mr. Gullledge:

S. 159. To amend further § 11-41-1, Code of Alabama, 1975, as amended, relating to the incorporation of municipalities so as to increase the population requirements for the incorporation of an unincorporated community.

Committee on Governmental Affairs.

By Messrs. Harrison, Barron, Britnell, Holmes, Robertson, Bailey, Lemaster and Proctor:

S. 160 To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of one-half of his accrued sick leave.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 161. To make an appropriation from the State General Fund for the relief of John W. Bailey who contracted Histoplasmosis in line of duty and was forced to retire from employment with the State of Alabama.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 162. To prohibit any school bus driver or person in authority from transporting more children than available seats or directing to do so; to provide misdemeanor penalties for violations of the provisions of the act.

Committee on Education.

By Mr. McDonald:

S. 163. To delete the requirement that physicians be certified in the sub-specialty of oncology to dispense cannabis under the Controlled Substances Therapeutic Research Act; to provide that the State Board of Medical Examiners may apply to contract with the National Institute of Drug Abuse for receipt of cannabis; to provide that the Board may formulate and promulgate such guidelines as are necessary for dispensing cannabis; and to provide that the Board may establish the rules and regulations requiring accurate reporting and accountability by each practitioner.

Committee on Health and Welfare.

By Mr. McDonald:

S. 164. To authorize the investigators of the State Board of Medical Examiners to enforce the provisions of the Alabama Uniform Controlled Substances Act and to grant to such investigators the powers of peace officers in the performance of their duties.

Committee on Health and Welfare.

By Mr. Keener (with notice and proof):

S. 165. Relating to Etowah County; providing further for mileage allowance for returning officers; providing for the payments of such mileage to be made from funds in the county treasury not otherwise appropriated, or in the case of municipal elections, such payments shall be made from municipal funds by the municipal governing body.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 165, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Keener:

S. 166. To amend Sections 16-24-7 and 16-24-10, Code of Alabama, 1975 relating to hearings before the Alabama State Tenure Commission.

Committee on Education.

By Mr. Keener:

S. 167. To amend Section 17-22-3 (6) and Section 17-22-3 (7) of the Code of Alabama 1975 which sections relate to enumerated corrupt practices.

Committee on Judiciary.

By Mr. Kirkland:

S. 168. To amend Section 44-1-20, Code of Alabama 1975, regarding the creation of the Youth Services Department, so as to place said department under the control of the Governor; to amend Section 44-1-21, Code of Alabama 1975, regarding the department's director, so as to delete the Youth Services Board's authority of removal; to amend Section 44-1-50, Code of Alabama 1975, regarding the creation of the board, so as to make the board advisory in nature; to amend Section 44-1-51, Code of Alabama 1975, regarding membership, officers, term, compensation and records of the board, so as to restructure the membership and duties of the board; to repeal Section 44-1-52, Code of Alabama 1975, relating to powers of the board; to repeal Section 44-1-53, Code of Alabama 1975, relating to meetings and quorum of the board; to repeal Section 44-1-54, Code of Alabama 1975, regarding court review of board decisions, to repeal Section 44-1-55, Code of Alabama 1975, regarding board reports to the Governor; and to repeal Section 44-1-56, Code of Alabama 1975, regarding board budget requests.

Committee on Governmental Affairs.

By Mr. Kirkland:

S. 169. To amend Section 12-15-34, Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court, to provide that once a child has been transferred to criminal court, all subsequent criminal action against said person shall be tried in criminal court.

Committee on Judiciary.

By Mr. Kirkland:

S. 170. To amend Section 12-15-33 of the Code of Alabama 1975, which relates to the transfer of cases to juvenile court from other courts, so as to empower district, circuit and municipal court judges to transfer cases involving 16 and 17 year olds to juvenile court.

Committee on Judiciary.

By Mr. Kirkland:

S. 171. To amend Section 12-15-58 of the Code of Alabama 1975, relating to children taken into custody, so as to require a detention hearing for children charged with a Class A Felony.

Committee on Judiciary.

By Mr. Kirkland:

S. 172. To amend Section 12-15-10, Code of Alabama 1975, relating to liabilities of counties concerning juvenile court costs, so as to extend said liabilities to municipalities.

Committee on Governmental Affairs.

By Mr. Kirkland:

S. 173. To amend Section 12-15-58 of the Code of Alabama 1975, relating to children taken into custody, so as to require a detention hearing for children charged with a Class A Felony.

Committee on Judiciary.

By Mr. Kirkland:

S. 174. To regulate the practice of soil classification; to provide for the registration of qualified persons as professional soil classifiers; to designate a state board of registration of soil classifiers; to provide for the appointment and compensation of its members; to fix the terms of the members of the board and to define the powers and duties of the board; to provide the minimum qualifications and other requirements for registration; to establish fees with expiration and renewal requirements; to provide that certain persons shall be exempt from the provisions of this Act; and to provide for the enforcement of this Act and prescribe criminal penalties for its violations.

Committee on Agriculture, Conservation, and Forestry.

By Mr. Kirkland:

S. 175. To provide for a special license tag for disabled persons and to prescribe a penalty for false representation for procurement of such tag.

Committee on Governmental Affairs.

By Mr. Kirkland:

S. 176. To prohibit a strike or work stoppage by law enforcement officers, who have been certified by the Peace Officers Standards and Training Commission of the State of Alabama, as a Peace Officer, and to provide for mediation in order to settle disputes between regularly employed, full time, law enforcement officers and the governmental agency employing them. Specifically authorizing negotiations between law enforcement officers and the governmental agency employing them, and requiring compliance with the agreements and findings of the mediators.

Committee on Governmental Affairs.

By Mr. Kirkland:

S. 177. To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

Committee on Judiciary.

By Messrs. White and Barron:

S. 178. To mandate an additional three-year sentence for the commission of certain felonies in private residences.

Committee on Judiciary.

By Mr. Martin:

S. 179. To amend Section 41-16-52, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to increase the present limits on expenditures for repair or lease of heavy duty off-highway construction equipment that may be made without the requirement of competitive bids being taken from \$1,500 to \$6,000 on parts and repair and from \$1,500 to \$3,000 per month on the lease of such equipment.

Committee on Finance and Taxation.

By Mr. Martin:

S. 180. To authorize and make provision for any county or any department, board, bureau, commission or agency of any county, whether incorporated or not, or any county public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any county, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each county and each such county public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations, to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; to provide that an issuer of securities shall be free from state supervision and control and from the provisions of Chapter 8, Title 11, CODE OF ALABAMA 1975; and to authorize counties and such county public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such county or such county public corporation under authority of laws other than this act.

Committee on Governmental Affairs.

By Mr. Martin:

S. 181. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality, and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality, such agency or such municipal public corporation under authority of laws other than this act.

Committee on Governmental Affairs.

By Mr. Martin:

S. 182. To amend further Sections 11-46-92, 11-46-93, 11-46-96, 11-46-98, 11-46-99, 11-46-107, 11-46-109, 11-46-112 and 11-46-126, Code of Alabama 1975, as amended, which Sections relate to cities and towns which have a population of 300,000 inhabitants or less which are organized under a commission form of government, so as to improve and clarify such election procedures.

Committee on Governmental Affairs.

By Mr. Martin:

S. 183. To amend further Sections 11-46-21, 11-46-22, 11-46-25, 11-46-27, 11-46-28, 11-46-36, 11-46-38, 11-46-41 and 11-46-55, Code of Alabama 1975, which Sections relate to election procedures in cities and towns of this state which have a population of 300,000 inhabitants or less, except cities and towns organized under a commission form of government, so as to improve and clarify such election procedures.

Committee on Governmental Affairs.

By Mr. Little:

S. 184. To create a State Department of Human Services, a State Board of Human Services, county departments of human services, and county boards of human services; to create the chief executive officer who shall be known as the Commissioner of the State Department of Human Services who shall exercise all the rights, powers, authority, and duties thereof; to define the powers and duties of the State Department, of the State Board, of the county departments, and of the county boards; to transfer and confer upon the Department of Human Services all the powers and duties now or hereafter vested in the Department of Pensions and Security; and to provide that the Department of Human Services be substituted for Department of Pensions and Security in any litigation pending to which the Department of Pensions and Security is a party.

Committee on Governmental Affairs.

By Mr. Little:

S. 185. To amend Section 26-14-1, Code of Alabama 1975, relating to the reporting of abuse or neglect of children, so as to explicitly add the terms "sexual exploitation" or "attempted sexual exploitation" to the definition of child abuse and to explicitly define the terms "sexual abuse" and "sexual exploitation."

Committee on Judiciary.

By Mr. Little:

S. 186. To permit garnishment of up to forty percent (40%) of wages for child support and to make technical procedural changes.

Committee on Judiciary.

By Mr. Little:

S. 187. To authorize the State Board of Pardons and Paroles to establish a program that will allow the expenditure of state funds for employee incentive awards.

Committee on Finance and Taxation.

By Mr. Little:

S. 188. To amend § 16-24-31, Code of Alabama, 1975 as amended, to provide that not more than two members of the state tenure commission may be appointed from any one congressional district.

Committee on Education.

By Mr. Bailey:

S. 189. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

Committee on Governmental Affairs.

By Messrs. Bailey and Parsons:

S. 190. To prohibit pyramid sales transactions and to specify penalties for violations thereof.

Committee on Judiciary.

By Mr. Higginbotham (with notice and proof):

S. 191. To alter, rearrange and extend the boundary line and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 191, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. Callahan, deGraffenried, Robertson and Holmes:

S. 192. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the State Mental Health Officer, the Director of Finance, two designees of the Lieutenant Governor from the membership of the Alabama Senate and two designees of the Speaker of the House of Representatives from the membership of the said House to become a corporation to be known as the Alabama Mental Health Finance Authority; to prescribe the manner of formation of said Authority; to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to issue and sell bonds and to loan the proceeds thereof to the Alabama Mental Health Board for construction, reconstruction, alteration and improvement of buildings and other facilities, including the procurement of sites and equipment therefor, for mental health purposes in the State; to provide for the execution, form and terms of the bonds of the Authority; to provide that such bonds shall bear interest at a rate or rates not to exceed twelve percent (12%) per annum; to provide that such bonds and the interest thereon shall be payable solely from the revenues and receipts of the Authority under its loan agreements with the Alabama Mental Health Board and that such bonds shall nevertheless constitute negotiable instruments; to authorize the Authority to pledge and assign its loan agreements with the Alabama Mental Health Board as security for the payment of the principal and interest on the bonds of the Authority; to provide that such bonds shall not be debts or obligations of the State; to provide that such bonds and the income therefrom shall be exempt from



taxation, and that such bonds may be used to secure deposits of funds of the State and its political subdivisions, instrumentalities and agencies and for investment of fiduciary funds; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to provide that the State Treasurer or a corporate trustee shall be custodian of the funds of the Authority; to provide that all bonds of the Authority may be refunded by the issuance of refunding bonds; to authorize the Authority to borrow money for temporary use in anticipation of the issuance and sale of its bonds; to provide for exemption of the properties, income and filings of the Authority from taxation; to provide for disposition of funds and properties of the Authority when its bonds have been paid or provided for; and to provide for the dissolution of the Authority.

Committee on Finance and Taxation.

### RESOLUTIONS

Messrs. Denton and Britnell offered the following Senate Resolution, to-wit:

**S. R. 3. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO WORK FOR THE REPLACEMENT OF THE CHAIRMAN OF THE UNITED STATES FEDERAL RESERVE SYSTEM, AND OF THE INORDINATELY STRINGENT MONETARY POLICIES PURSUED THEREBY.**

Which was adopted.

Messrs. Goodwin, deGraffenried, Higginbotham, and Proctor offered the following Senate Joint Resolution, to-wit:

**S. J. R. 4. EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY UTILIZATION AND VALUE OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH CREATED BY ACT NO. 80-203, S. J. R. 105, OF THE 1980 REGULAR SESSION.**

WHEREAS, research is still being conducted on several aspects of land owned by the Department of Mental Health such as mineral potential, legal description and total acreage, current value or fair market value, and timber management; and

WHEREAS, without thorough analysis of said indepth research, the Committee does not feel that it can at this time make responsible recommendations to the legislature, as mandated in Act No. 80-203, S. J. R. 105, of the 1980 Regular Session; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Committee to study utilization and value of land owned by the Department of Mental Health is hereby extended for a period of one year.

**BE IT FURTHER RESOLVED,** That the total amount of funds expended by the Committee in carrying out the study, during this one-year extension period, shall not exceed the sum of seven thousand five hundred dollars (\$7,500.00).

Said Committee shall continue to have the same members, powers, duties, functions, rights and privileges, and shall report their findings and recommendations to the Legislature by the fifth legislative day of the 1982 Regular Session, whereupon the committee shall be dissolved and relieved of all duties and responsibilities.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Martin, St. John, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. MOURNING THE DEATH OF JUSTICE JAMES N. BLOODWORTH.

WHEREAS, The Legislature of Alabama has grievously noted the death of James Nelson Bloodworth on December 28, 1980, at the age of 59; and

WHEREAS, a retired Alabama Supreme Court Justice, Judge Bloodworth was a native of Decatur, Alabama, who graduated from the University of Alabama with B.S. and LL.B. degrees and also attended Athens College, Athens, Alabama; and

WHEREAS, he was a practicing attorney for eleven years in his home town of Decatur and later served for ten years as circuit judge of Alabama's Eighth Judicial Circuit; he was a former associate member of the State Board of Pardons and Paroles and also served as judge of the Recorder's Court in Decatur; and

WHEREAS, entering the United States Army in 1943, James Bloodworth later retired as a lieutenant colonel, JAGC, United States Army Reserves; he was a Rotarian, Mason and Shriner, and in 1980, was named Alumnus of the Year by the University of Alabama School of Law; and

WHEREAS, Judge Bloodworth took office in 1968 as Associate Justice on the Alabama Supreme Court, serving for 12 years until his recent retirement as senior member of the court; and

WHEREAS, James Bloodworth was a member of the Presbyterian Church and had served as Elder of both the First Presbyterian Church of Decatur and of Montgomery's Trinity Presbyterian Church; he was a man of sincere Christian beliefs, and of practice, who in strong and enduring faith served his Lord with devotion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of James Nelson Bloodworth, a distinguished Alabama jurist and a great American.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Jean Bloodworth, that she and their three daughters, Catherine, Sandra and Peggy may know that we truly share the sorrow of their great loss.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Cook, Proctor, Bailey, Barron, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Robertson, St. John Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

**S. J. R. 6. COMMENDING DR. JOHN W. KIRKLIN AND ASSOCIATES FOR THEIR CONTRIBUTION IN ESTABLISHING THE ALABAMA CONGENITAL HEART DISEASE DIAGNOSIS AND TREATMENT CENTER.**

WHEREAS for many years the open heart surgery programs at the Medical Center of The University of Alabama in Birmingham (UAB) have been recognized nationally and internationally for their excellence, and this recognition has grown over the years due to the unique skills and dedicated leadership of Dr. John W. Kirklin, Kerner Professor and Chairman of the Department of Surgery; and

WHEREAS after terminating his appointment as a member of The Board of Governors and Chairman of the Department of Surgery at the Mayo Clinic in 1966 and joining the faculty at UAB, Dr. Kirklin has maintained as one of his first priorities the continuation of one of his major areas of interest and commitment—the establishment of a program for improving infant cardiac care; and

WHEREAS to that end Dr. Kirklin has been instrumental in the development of the Alabama Congenital Heart Disease Diagnosis and Treatment Center at UAB, an unexcelled center for the treatment of infants and children with congenital heart defects, a center which has assembled under its aegis an outstanding team of physicians, nurses, and special support staff who work together to perform the highly sophisticated open heart surgical procedures and to carry out outstanding research in this area; and

WHEREAS in addition to Dr. Kirklin, who recently has been selected to receive the highest award the American Medical Association can give, the Distinguished Service Award, the highly skilled team of surgeons and scientists includes Dr. Albert D. Pacifico, who came to UAB in 1967, also from the Mayo Clinic, and who is recognized as one of the most accomplished congenital heart disease surgeons in the world; Dr. Lionel M. Barger, Jr., a graduate of The Medical College of Alabama, who is one of the world's leading pediatric cardiologists and who is particularly known for his innovations in diagnosis by cineangiography; and Dr. Eugene B. Blackstone, who has made universally acknowledge contributions to the field of congenital heart surgery through his outstanding talents in the science of data acquisition and analysis; and

WHEREAS through his skill and associated fame, Dr. Kirklin has helped the University to obtain contributions of the resources needed to create a modern, totally equipped patient care facility—the Alabama Heart Hospital, including the Quarterback Tower addition to the University Hospitals—which contains the operating suites needed to conduct the surgery and which provides the surgical and cardiovascular intensive care patient rooms necessary to monitor the patient's progress and to assure that patient care and recovery are conducted under the most ideal circumstances; and

WHEREAS patients from throughout the United States and from many countries throughout the world have been referred to UAB for correction of congenital cardiovascular defects, and the teams of surgeons there perform more than four hundred such operations each year; and

WHEREAS no other similar center for congenital heart disease surgery in the region, or perhaps the nation or the world, can compete with the programs now concentrated in the Alabama Congenital Heart Disease Diagnosis and Treatment Center at UAB; and

WHEREAS pediatric heart specialists, both medical and surgical, go to The University of Alabama in Birmingham Medical Center from literally every country in the world, for periods ranging from a few days to a year, to study, learn, and be a part of the programs there; and

WHEREAS, because of the skilled personnel and outstanding facilities at UAB, national and international recognition has come to Birmingham and to the entire state of Alabama, with the success rate for these heart operations being the most outstanding in the world because the Alabama Congenital Heart Disease Diagnosis and Treatment Center can provide the necessary diagnostic, surgical, nursing, pathological, and patient monitoring skills necessary if such highly specialized surgery is to succeed; and

WHEREAS this body here assembled wishes to commend Dr. John W. Kirklin and other members of the skilled professional staff at the Alabama Congenital Heart Disease Diagnosis and Treatment Center located at The University of Alabama in Birmingham;

NOW, THEREFORE, BE IT RESOLVED that The Legislature of Alabama, both Houses thereof concurring, hereby recognizes the great contributions made to the welfare of the people of Alabama, and indeed the nation and the world, by the skilled professionals at the Alabama Congenital Heart Disease Diagnosis and Treatment Center.

BE IT FURTHER RESOLVED that The Legislature of Alabama hereby expresses its great pride in the outstanding cardiovascular surgical programs carried out at the Center, and herewith conveys its deep appreciation to Dr. John W. Kirklin and the many skilled members of the staff at the Center for the worldwide recognition, fame, and renown which have redounded to the State of Alabama because of their outstanding efforts.

BE IT FURTHER RESOLVED that Dr. Kirklin and other members of the staff of the Alabama Congenital Heart Disease Diagnosis and Treatment Center receive a copy of this resolution as evidence of our high esteem.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Cook, Miller, Bailey, Barron, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

**S. J. R. 7. CONGRATULATING THE 1980 STATE 4A FOOTBALL CHAMPIONS, THE VESTAVIA HILLS HIGH SCHOOL REBELS.**

WHEREAS, the Legislature of Alabama is pleased to note the 1980 State 4A Football Championship captured by Vestavia Hills High School by virtue of their 15-13 win over Parker High in the final round of the State Playoffs; and

WHEREAS, the third time was truly the charm for the Rebels, as it was their third straight year to participate in the finals, but this year it was to end in victory following a 9-1 record in regular season play against a heavy schedule of formidable opponents; and

WHEREAS, directing his team to an outstanding season and the crown, Head Coach Buddy Anderson was most ably assisted by coaches Grammar, Sheffield, Jeffrey, Dunn, Braasch and Prewett; and

WHEREAS, each and every member of this outstanding varsity squad is to be congratulated and commended for his contribution to the Rebels's fine season and ultimate capture of the State Title, a coveted goal achieved through hard work, perserverance and the team's will-to-win spirit that never once wavered all season long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Vestavia Hills High School Rebels as our 1980 State 4A Football Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Athletic Director Mutt Reynolds, a copy to Head Coach Anderson on behalf of his assistants, staff and team, with a copy also forwarded to Dr. Rafael McDaniel, Principal, to be used for appropriate school display.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Vacca, Cook, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. MOURNING THE DEATH OF W. COOPER GREEN, FORMER BIRMINGHAM MAYOR AND STATE LEGISLATOR.

WHEREAS, the Legislature of Alabama notes with regret the death of W. Cooper Green of Birmingham, Alabama, on June 29, 1980, at the age of 79; and

WHEREAS, a Birmingham native, Cooper Green was a teacher and coach at Autauga County's Marbury High School in 1922 prior to a ten-year career in real estate and insurance; and

WHEREAS, he was elected to the Alabama Legislature in 1930, serving until 1933, at which time he was appointed by Franklin D. Roosevelt to serve as Birmingham's postmaster, a position he held for seven years; and

WHEREAS, Cooper Green was elected in 1940 to fill the vacancy of mayor and president of the Birmingham City Commission; re-elected in 1941, 1945 and again in 1949, he resigned the office in 1953 to assume a vice presidency of the Alabama Power Company, becoming an executive vice president in 1959, as well as a member of the utility's board of directors; and

WHEREAS, Mr. Green's areas of public service expanded in 1965 with his election to president of the Jefferson County Commission in which capacity he served for some ten years until retirement for reasons of ill health; and

WHEREAS, among his many accomplishments was the realization of a county hospital and medical facility which today bears his name; he also had served as chairman of the Senior Citizens Committee and further served the City of Birmingham through his leadership role in the restoration of racial harmony during the sixties; and

WHEREAS, undoubtedly one of Birmingham's most outstanding citizens, Cooper Green will long be remembered for his contributions to the growth and development of his beloved city and to all of Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of W. Cooper Green of Birmingham, Alabama, and extend our most heartfelt sympathy to his family to whom copies of this resolution shall be sent.

On motion of Mr. Vacca, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Kirkland, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. MOURNING THE DEATH OF MR. JOSEPH C. McCORQUODALE, SR., OF CLARKE COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature has noted with deep sorrow and regret the death of Mr. Joseph Charles McCorquodale, Sr., of Grove Hill, Clarke County, Alabama, on December 13, 1980, at the age of 88; and

WHEREAS, Mr. McCorquodale, father of House Speaker Joseph C. McCorquodale, Jr., was a native Clarke Countian and a graduate of Marion Military Institute and Howard College in Birmingham; he was a lifelong resident of Clarke County, the fourth generation of a distinguished pioneer family of that area; and

WHEREAS, a former merchant, farmer and timberman, he also was founder, first president and longtime director of the Clarke-Washington Electric Membership Cooperative and held public office in Clarke County for more than thirty years; and

WHEREAS, serving first as a County Commissioner, from 1929 until 1939, and for two terms as president of the Alabama Association of County Commissioners, Mr. McCorquodale was appointed tax collector in 1939, holding said office until his retirement in 1961; and

WHEREAS, Mr. McCorquodale was a member of the Grove Hill First United Methodist Church and was further actively involved in the affairs of his community through participation in numerous programs for the betterment of his beloved county and all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of Joseph Charles McCorquodale, Sr., of Grove Hill, Clarke County, Alabama; we further extend our most heartfelt sympathy to his son, Speaker Joe McCorquodale, and to his grandsons, Joseph, III, and Gaines C. McCorquodale, and other family members to whom copies of this resolution shall be sent.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Kirkland then offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. COMMENDING MR. HARRY L. WEAVER FOR OUTSTANDING SERVICE AS ESCAMBIA COUNTY SUPERINTENDENT OF EDUCATION.

WHEREAS, the Legislature of Alabama has noted the announced retirement, effective July 1, 1981, of Mr. Harry L. Weaver as Escambia County Superintendent of Education, a position he has held, either through election or by appointment, for the past 24 years; and

WHEREAS, a 1930 graduate of Brewton's T. R. Miller High School, and of Birmingham Southern College with an A.B. Degree, Harry Weaver also

WHEREAS, Mr. Weaver's 46 years in public education, 22 years as a school principal in Escambia and Lowndes Counties and 24 years in his present position, represent the second longest tenure of the 127 current Alabama school superintendents; and

WHEREAS, he is a member of a large family of educators including both his parents, five brothers and sisters, his wife and two of their children; his father also served for 28 years as Escambia Superintendent with the result that either Harry Weaver or his father has held that chief administrative position for 52 of the past 54 years; and

WHEREAS, during the past 24 years, with Harry Weaver as Superintendent, the Escambia County School System has never experienced a single year of deficit financing even during years of proration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Harry L. Weaver on his long and prestigious career in the field of public education; we wish him every future success and also express our deep gratitude for his continued service as Superintendent Emeritus, an honorary position bespeaking the high regard of the members of the Escambia County Board of Education.

BE IT FURTHER RESOLVED, That Mr. Weaver receive a copy of this resolution in token of our appreciation and in praise.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Kirkland then offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. HONORING JUDGE HUGH ROZELLE UPON HIS RETIREMENT AS JUDGE OF THE DISTRICT COURT OF ESCAMBIA COUNTY.

WHEREAS, the recent January 1980 retirement of Judge Hugh Rozelle brought to a close two decades in public office in Escambia County and his fourth term as District Judge; and

WHEREAS, in recognition of and appreciation for his long and faithful service, the Escambia County Commission proclaimed January 8, 1981, as "Judge Hugh Rozelle Day" throughout Escambia County; in conjunction, the Escambia County Bar Association hosted a reception also in honor of Judge Rozelle; and

WHEREAS, during his tenure on the Bench, Judge Rozelle worked diligently, and with dedication, for all the people of his county, and he especially is to be commended for the many improvements in the juvenile court system of Escambia County; now therefore,

BE IS RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Judge Hugh Rozelle upon his retirement as Judge of the Inferior and District Courts of Escambia County for 16 years.

BE IT FURTHER RESOLVED, That Judge Rozelle receive a copy of this Resolution that he may know of our deep appreciation and of our warm best wishes for ever future success.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Kirkland then offered the following Senate Resolution, to-wit:

S. R. 12. COMMENDING THE EXCEL FFA LIVESTOCK JUDGING TEAM, STATE CHAMPIONS IN JUDGING BEEF CATTLE AND SWINE.

Which was adopted.

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. CONGRATULATING AND COMMENDING GORDO HIGH SCHOOL, CLASS 2A STATE FOOTBALL CHAMPIONS.

WHEREAS, the Legislature of Alabama is pleased to note the Class 2A State Football Championship won by Gordo High School following a 26-22 triumph over South Choctaw High School of Silas, Alabama; and

WHEREAS, the championship game was well attended by enthusiastic fans of both teams, including State Senator Ed Robertson, all of whom thoroughly enjoyed the exciting game and greatly admired the courage and good sportsmanship displayed by all the players; and

WHEREAS, Gordo High School emerged from the finals with the Crown and with fourteen solid victories without a loss for the season; the team wound up with a 35 points-per-game average, ceding a miserly eight points-per-game average to their formidable opponents; and

WHEREAS, leading his team to this outstanding 1980 season and to the Championship, Head Coach Waldon Tucker, now in his third year at Gordo High, was ably assisted by Coaches Jimmy Mills, Ted Copeland, Mike Driver and Ronald Coleman; and

WHEREAS, credit for the crown also goes to all members of this fine 1980 team who worked together diligently all season long, exhibiting good sportsmanship and fair play in each and every game; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Gordo High School and the 1980 Class 2A Football Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Max Joiner, Principal, for appropriate school display with a copy also sent to Coach Tucker on behalf of his entire staff and his 1980 championship team.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Robertson then offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. CONGRATULATING AKRON HIGH SCHOOL CLASS A FOOTBALL CHAMPIONS.

WHEREAS, it is with utmost commendation that the Legislature of Alabama notes the tremendous 1980 football season of Akron High School which resulted in the State Class A Championship with a 26-20 victory over McKenzie High in the final round; and

WHEREAS, in regular season play, with a 9-0 record that included three complete shut-outs, Akron outscored their opponents six to one, or 402 points to just 67 for their rivals; and

WHEREAS, in the Playoffs, Akron did it again, going 4-0 for the Crown with 140 points for the Rams as opposed to a total of just 47 points for Berry, Parrish, Madison Academy and McKenzie High School; and



WHEREAS, the Rams were superbly coached to the Title by Nanthaniel Kelly, now in his eleventh year at Akron, during which time he has compiled a win-loss record of 80-30-2, including two undefeated seasons and three trips to the State Playoffs; and

WHEREAS, the Rams' eviable 1980 record, though due in large part to the expert coaching abilities of Coach Kelly and his assistant Coach, Kermit Jones, could not have been possible without the exceptional talent and will-to-win spirit of all 24 players who worked together diligently to capture the Crown for Akron High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Akron High School as the 1980 State Class A Football Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Nanthaniel Kelly on behalf of his staff and the entire team, with a copy also provided for appropriate school display.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Robertson then offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. COMMENDING SOUTH CHOCTAW HIGH SCHOOL ON ITS OUTSTANDING 1980 FOOTBALL SEASON.

WHEREAS, the Legislature of Alabama has noted with high praise the outstanding 1980 football season of South Choctaw High School of Silas, Alabama; the team was a perfect 10-0 in regular season play and lost only to Gordo High School in the title game for the State 2A Championship; and

WHEREAS, the championship game was played before a tremendous crowd of enthusiastic fans of both teams, including State Senator Ed Robertson, all of whom thoroughly enjoyed the excellent game and admired the courage and sportsmanlike conduct of the players; and

WHEREAS, South Choctaw High School's brilliant season was due in great measure to the leadership provided by William Boggs, Head Coach for five years with an admirable 42-14 record; his assistants were coaches John Mayfield and David Lewis; and

WHEREAS, Coach Boggs' fine 1980 team racked up a total of 286 points in fourteen games, ceding only 125 to their opponents, an enviable record for both the offensive and defensive lines of South Choctaw High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate South Choctaw High School of Silas, Alabama, runnerup to the 1980 State 2A Football Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with a copy also for Coach William Boggs on behalf of his entire staff and all members of the 1980 football team.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 1. COMMITTEE CREATED TO NOTIFY THE GOVERNOR THAT THE LEGISLATURE IS IN SESSION.

And the Speaker has appointed as members on part of the House Messrs. Patton, Grimsley, and Hammett.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 2. COMMITTEE CREATED TO ESCORT THE GOVERNOR TO THE JOINT SESSION.

And the Speaker has appointed as members on part of the House Messrs. Adams (H), Olive, and Starkey.

JOHN W. PEMBERTON,  
Clerk.

RESOLUTIONS

Mr. deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Tuscaloosa County The Tuscaloosa County Elected and Appointed Officials Salary Commission, hereinafter referred to as "The Commission."

The Commission shall be composed of seven (7) members: two members from government; four members from business including: one lawyer, one proprietor, one salary administrator, one personnel manager; and one educator. The Commission members shall be appointed in the following manner: three by the Tuscaloosa City governing body, three by the Tuscaloosa County governing body, and one by the Tuscaloosa County Legislative Delegation.

The chairman shall be selected by the membership and he shall preside over all meetings. The Commission shall make its own rules for the conduct of its business. The initial meeting shall be held within thirty days after the last appointment is made and thereafter at the call of the chairman and within the rules of The Commission. Members of The Commission shall serve without compensation and their terms shall expire on January 1, 1982, at which time The Commission members shall stand discharged from any further duties.

The general purpose of The Commission is to provide information and recommendations regarding salaries and compensation of all elected and appointed city and county officials within Tuscaloosa County.

The specific objectives of The Commission shall be prescribed by the Tuscaloosa County Legislative Delegation.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. COMMENDING GENERAL IVAN F. SMITH.

WHEREAS, the Alabama Legislature notes with pleased accord the appointment by Governor Fob James of Colonel Ivan F. Smith as Commander of Troop Command and his corresponding promotion to the rank of Brigadier General in the Alabama Army National Guard; and

WHEREAS, General Smith, in civilian life, is an instructor at Chilton County High School in Clanton; he holds a bachelor's degree earned at Jacksonville State University, also a master's degree and teaching certificates from the University of Montevallo; and

WHEREAS, prior to accepting this prestigious command, General Smith headed the Alabama Army Guards' 20th Special Forces Group which has headquarters in Birmingham with units in Alabama, Mississippi, Florida and Maryland; during his military career of more than 28 years, he has received the Master Parachutist Badge, Meritorious Service Medal, Army Commendation Medal, National Defense Service Medal, Armed Forces Reserve Medal as well as the Commendation, Special Service and Faithful Service Medals of Alabama; and

WHEREAS, General Smith, a graduate of the Tropic and Jungle Warfare School, Command and General Staff College and the Army War College, also has completed advanced courses in artillery, infantry and administration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Brigadier General Ivan F. Smith on his outstanding military career; we further congratulate him on his recent promotion and appointment by the Governor and direct that he receive a copy of this resolution in token of our high regard.

On motion of Mr. Proctor, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Teague and Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. CONGRATULATING MR. AND MRS. J. D. LAWLEY ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama has noted with extreme pleasure the 50th Wedding Anniversary, on July 19, 1980, of Mr. and Mrs. J. D. Lawley of Leeds, Alabama; and

WHEREAS, J. D. Lawley and Vivian Newton, both natives of Leeds, Alabama, were joined in holy matrimony in Trussville, Alabama, on July 19, 1930, and have remained in said holy state for one-half century; and

WHEREAS, they have lived their lives as one, devoted to one another, and have remained steadfastly faithful to their marriage vows, setting an enviable example for others to follow; and

WHEREAS, Mr. and Mrs. Lawley are the parents of one son, John Lawley, and four daughters, Carolyn Lawley, Helen Brown, Imogene Walker and Brenda Tucker; they also have eight grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family and friends in congratulating this exemplary couple of Leeds, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. and Mrs. Lawley that they may be aware of our congratulations and warm best wishes on this memorable occasion.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Gulledge offered the following Senate Resolutions, to-wit:

S. R. 19. COMMENDING JAMES W. SMITH OF CREOLA, MOBILE COUNTY, ALABAMA.

Also:

S. R. 20. CONGRATULATING MAYOR ARTHUR A. HOLK OF FOLEY, ALABAMA, ON HIS SELECTION AS FREE ENTERPRISE PERSON OF THE YEAR.

Also:

S. R. 21. COMMENDING MISS MARY LAGER OF FOLEY, ALABAMA, 1980 GIRLS STATE GOVERNOR.

Also:

S. R. 22. MOURNING THE DEATH OF JOHN JOSEPH JURKIEWICZ OF SUMMERDALE, ALABAMA.

Also:

S. R. 23. COMMENDING GILBERT COOPER, ELSANOR'S OUTSTANDING CITIZEN OF THE YEAR.

Also:

S. R. 24. HONORING BOSTON RED SOX ROOKIE, DAVID STAPLETON OF LOXLEY, ALABAMA.

Which were adopted.

COMMUNICATION FROM THE DEPARTMENT  
OF ARCHIVES AND HISTORY

The Honorable the Senate  
State of Alabama  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

On August 21, 1980, the Board of Trustees of the Archives and History Department elected Mr. Harvey J. Wright as Trustee from the 4th Congressional District to fill the unexpired term of Sidney L. McDonald—December 31, 1984.

On behalf of the Board of Trustees I request the confirmation of Mr. Wright's election.

Very sincerely,

MILO B. HOWARD, JR.  
Secretary, Board of Trustees.

The foregoing Communication from the Department of Archives and History relative to an appointment to the Board of Trustees from the 4th Congressional District, was read and referred to the Standing Committee on Rules.

#### COMMUNICATION FROM THE DEPARTMENT OF ARCHIVES AND HISTORY

The Honorable the Senate  
State of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

On May 29, 1980, the Board of Trustees of the Archives and History Department elected Mr. McDonald Hughes as Trustee for the 7th Congressional District to fill the unexpired term of Justice Robert B. Harwood—December 31, 1982.

On behalf of the Board of Trustees I request the confirmation of Mr. Hughes' election.

Very Sincerely,

MILO B. HOWARD, JR.  
Secretary, Board of Trustees.

The foregoing Communication from the Department of Archives and History relative to an appointment to the Board of Trustees from the 7th Congressional District, was read and referred to the Standing Committee on Rules.

#### COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 512, 1976 Regular Session, the report of the Alabama Sunset Review Committee was filed with the Secretary.

#### MOTION TO ADJOURN

Mr. St. John moved that when the Senate adjourn today upon completion of the Joint Session, it adjourn to meet again on Thursday, February 5, 1981 at 12 o'clock Noon, which motion was adopted.

#### RECESS

At 1:45 P.M., on motion of Mr. St. John, the Senate took a recess until 6:15 this evening.

REGULAR SESSION  
1st Day

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NIGHT SESSION

FIRST LEGISLATIVE DAY

TUESDAY, FEBRUARY 3, 1981

The Senate reassembled in the Senate Chamber and was called to order by Lieutenant Governor McMillan.

ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 4. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Tuesday, February 3, 1981, we adjourn to meet again on Thursday, February 5; when we adjourn on Thursday, February 5, we adjourn to meet again on Tuesday, February 10; when we adjourn on Tuesday, February 10, we adjourn to meet again on Thursday, February 12; when we adjourn on Thursday, February 12, we adjourn to meet again on Tuesday, February 17, 1981.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

JOINT SESSION

At 6:30 P.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the Message of His Excellency, the Governor, the Honorable Fob James.

The Session was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Fob James was escorted to the chair and delivered his address to the Legislature of Alabama.

### STATE OF THE STATE ADDRESS

FEBRUARY 3, 1981

Mr. Speaker, Governor McMillan, distinguished members of the House and Senate, Ladies and Gentlemen:

First, I extend a very warm welcome to members of the Legislature and staff as you return to Montgomery for this regular session which I think will indeed be a very special session. Secondly, let me thank members of my cabinet for forward movement in all areas that is gaining momentum every day. Lastly, let me thank Bobbie James for the partnership that is our personal cabinet.

This is the year 1981, the year Grassroots America, from Alabama to California to New York, said to those of us in government at all levels: get our house in order now.

I gather from the tone of your comments during budget and committee hearings, you come here to look hard realities in the eye without blinking; to act within the perimeter of economic economics, not political economics; to act within the framework of logic and common sense, not expediency; to act within the boundaries of a defined philosophy, not be drift on the broad expanse of political whim and emotion. I applaud and appreciate you, who take this direction.

There is no better place to begin than by discussing tax dollars, money taken by law from hard-earned paychecks.

Over 80% of the total revenue of the State of Alabama comes from earmarked taxes, from taxes that year-in and year-out are restricted to the same bureaucracy no matter how inefficient it becomes and no matter how genuine the need for revenue in other areas. I say the practice of earmarking state taxes is against the public interest.

I believe in the Alabama Legislature. The Legislature has the responsibility to judge the ever-changing needs of the people and to appropriate tax revenue accordingly. This is impossible to do with over 80% of Alabama's total tax revenue locked-in from earmarked taxes. Earmarking is in fact a form of taxation without representation.

Earmarking is the major cause of Alabama's financial problems. Let me cite you two major examples:

The First: In a number of years during the last two decades, the Alabama Special Education Trust Fund enjoyed large surpluses due to the high growth of earmarked taxes. The surplus funds were used to expand higher education to a level far exceeding our realistic needs. We have one 4-year institution for every 230,000 people. The national average is one 4-year institution for every 400,000 people. We are seventh in the nation in gross dollars spent on medical education. The number of 2-year schools in Alabama exceeds that of most other states including many states with populations larger than ours. There are duplications of programs in higher education from one end of this state to the other, and everybody knows it. This waste and overexpansion has cost Alabama taxpayers hundreds of millions of dollars. I say to the taxpayers: blame this long-term extravaganza, at your expense, on earmarked taxes.

Some of you have told me you would support unearmarking if you could see how the people would benefit. Well, in the education budget I have submitted for next year, there is a 24 million dollar reduction in the amount of money proposed for higher education. You have at your disposal, an itemization of these reductions and I say to you that higher education can improve its quality on my proposed budget. This is right for the students. I have proposed an increase of 34 million dollars for grades K-12. The people will benefit.

We have declining enrollment at all levels of education. We need very few, if any, new buildings on our college campuses. We have, within the last 3 months, released 60 million dollars to build schools for grades K-12, and we will release another 30 million dollars as soon as the bond market improves. You all know local support for schools is not what it should be in some areas, thereby placing a disproportionate burden on state tax revenue. Under United States Federal Court order, your Revenue Department is in the process of making property appraisals uniform and fair for all citizens. The results of this work will mean an increase of 81 million dollars for county governments and 19 million dollars for city governments in 1982. There is no reason the great bulk of this new money should not go to local school systems.

I fully expect our economy to regain its vitality in a year or two; and with this, one can expect 9 to 12% growth in the Alabama Special Education Trust Fund. One is unrealistic not to expect surpluses to reappear; one is even more unrealistic not to expect the surpluses to be spent, whether needed or not, if we continue earmarking.

The Second: Any department of government receiving earmarked taxes is somewhat insulated from legislative scrutiny through the budgetary process. The budget is the one tool you have to discipline the bureaucracy and insure that the people receive the services for which they are taxed. Earmarking totally disarms the Legislature in this respect, as an earmarked department of government has no incentive to save, only to spend. I have witnessed first hand the results of earmarking in the Highway Department, 2,000 employees too many in January, 1979; in the Mental Health Department, a brand new 7.5 million dollar maximum security hospital in Tuscaloosa still standing empty.

Both the Highway Department and the Mental Health Department receive earmarked taxes. The Department of Corrections receives no earmarked funds, and we have today 1,400 state prisoners in city and county jails, and the Federal courts are threatening to let dangerous criminals out on the street.

Besides all of that, we are the only state in America that earmarks a great majority of our taxes.

You have one of three choices: either unearmark and get our house in order, pass new taxes, or reduce essential services.

I ask you to allow the people of Alabama to vote on this issue in a referendum to be held in the primary election of 1982. And in the meantime, why not stand tall, and statutorily unearmark everything in the Capitol?

Some years ago, the Alabama Legislature decided to meet every year rather than every other year. Perhaps there is evidence to support the wisdom of this move; however, I strongly believe the Legislature and the people will be far better served if we return to biennial budgeting.



I give these reasons:

1. The budget, year-in and year-out, is the most important business of the Legislature. When you throw the budget into the midst of hundreds of other pieces of legislation, the budget can be held hostage, leveraged; and an orderly constructive analysis of all elements within the budget becomes very difficult.

2. The budget is one document the Legislature and the public ought to understand in depth and in detail. This takes plenty of time, so we need to isolate the budget in order to insure legislative scrutiny and public understanding.

3. It is not true that annual budgeting makes for a more accurate projection of income and expense. Our record speaks for itself on projecting income annually; and in government, we have no sales or inventory to project, mostly payroll cost, and this can be done biennially.

4. It is not true that biennially budgeting would keep the state from reacting to a crisis such as Hurricane Frederic. A supplemental appropriation can be made to address a specific crisis in any given year.

In Florida, Governor Bob Graham led the charge away from biennial budgeting in 1970, and 9 years later led the charge back to biennial budgeting. Governor Graham told me the best thing he has ever done or would do for the Florida taxpayer was to return the State of Florida to biennial budgeting.

Therefore, I recommend that the Legislature budget for two years, every first and third year, and that no other business except local legislation be addressed until the budgets are passed.

I ask you to allow the people of Alabama to vote on this issue in a referendum to be held in the primary election of 1982.

The great majority of Alabama state employees do their jobs well. They deserve the gratitude of the people of Alabama and have earned the heartfelt appreciation of this administration.

On the other hand, personnel costs are over 80% of the total cost of government. You and I share this responsibility, and there is no way we can meet this responsibility without making a fair and comprehensive assessment of these costs.

On Salaries And Wages.

It is my desire for all state employees to receive salaries and wages that are competitive to salaries and wages paid in the private sector for the same work. This is fair to the state employee and to taxpayers. This is not the case in Alabama today.

Average current pay levels for state employees is 8% higher than the average current pay for employees within the private sector and local governments of Alabama. This information was obtained from a cross-section of employers throughout the state representing over 250,000 employees. It should be noted a majority of the companies responding to the survey were the larger firms that are in the top category of the private sector with respect to employee compensation. It should also be understood that the 8% higher average pay for state employees indicates that some state job classifications are high; some are low.

The state merit system includes 4 different pay raises that are given by the administration. Last year over 600 of our employees received such raises.

Obviously, if the Legislature mandates a pay raise on top of the existing pay raises already in the system, inequities are locked in and compounded for another year. I believe this is a serious mistake.

I am, therefore, recommending that the Legislature, by joint resolution, instruct the Governor and the Personnel Board to adjust the basic pay of each job classification within the merit system to a level competitive to the private sector within the State of Alabama.

In situations where state job classifications are unique to the public sector, we should adjust to a level competitive to the average level of pay within our 12 sister southern states. I welcome a Legislative Oversight Committee to work with us on this project.

Job classifications that are determined to be high should be held level for the period of time necessary to bring these classifications into line, and job classifications that are determined to be low should be increased to the proper level. These adjustments should be made effective October 1, 1981.

#### On State Holidays.

The State of Alabama gives 13 legislative holidays. These holidays do not include Christmas Eve, New Year's Eve, or Friday after Thanksgiving. However, it is customary for the Governor to declare these days state holidays, as is the case with most Alabamians. I, and all other governors, have done this. All total, there are 15 to 16 state holidays annually, compared with an average 9 to 10 holidays given annually by employers within the private sector of Alabama.

Conversely, several state holidays are not observed at all by a large majority of Alabama citizens. It is wrong for the state to give 50% more holidays, especially, if all other elements of employee compensation is competitive. Therefore, I recommend reducing state holidays from 16 to 12.

#### On Sick Leave and Vacation Leave.

I will recommend that our existing schedules be brought into line with the private sector; however, any sick leave or vacation leave benefits earned prior to October 1, 1981, will be fully retained.

#### On Life Insurance And Long-Term Disability Insurance.

The State of Alabama provides neither. This is not only wrong, it is a non-competitive personnel policy. Therefore, I am recommending that the state provide, at no cost to the employee, life insurance benefits one to two times the employees' annual base salary at time of death. I am also recommending that we provide disability insurance for all state employees in order to protect them against loss of income from sustained injury or illness.

#### On Hospitalization And Medical Insurance.

The state provides coverage for the employee only. I'm of the opinion that coverage can be improved and perhaps expanded.

#### On Retirement Benefits.

The State of Alabama substantially exceeds retirement benefits by the other 49 states and also substantially exceeds retirement benefits provided by over 90% of the employers within the private sector.

The contributions from taxpayers to the Alabama Retirement Systems for the fiscal year 1981-82 will be 253 million dollars. This does not include Social Security. When you combine Social Security paid by the state in the amount of 111 million dollars, you have a grand total of 364 million dollars. This is about 17.5% of total state taxes and other income the State of Alabama can use for employee compensation. Money for the retirement fund is paid off the top, before one state service is rendered.

The present situation is not sound, because if the state continues to increase its payments into the retirement fund, the state, not the retirement fund, will either go broke, cut services, or raise taxes. Another danger is that the retirement benefits already earned by thousands of dedicated state employees and teachers will be jeopardized.

It is unfair to state employees and taxpayers alike to continue this trend. Therefore, I have retained the Wyatt Company of Dallas, Texas, and Winklevoff & Associates, of Philadelphia, Pennsylvania, to evaluate our retirement programs. These two consultants are experts in the retirement field and I have asked them to present their findings to a joint session of the Legislature on Tuesday, February 17, at 2:00 P.M. They will be here for 3 days following to answer your questions in detail.

After receiving the facts, I will recommend that the Legislature make the necessary adjustments to insure the integrity of the retirement fund and provide all teachers, state employees and judges with a competitive retirement program. This will have no effect whatsoever on retirement benefits earned prior to October 1, 1981.

Our public schools are among the first order when we ask: "What are the essential services of government?" You will appropriate this year over 750 million dollars to 127 public school systems. It is by far the largest appropriation you make, and it should be.

The State School Board is the vehicle created by the Legislature to manage, from the state level, our public school system. You have every right to demand performance in each and every one of our school systems and to know exactly how your taxes are being utilized.

I can say for the first time in this state's history, our children have met the national average on the basic skills achievement test. I thank thousands of dedicated teachers, support personnel, principals, and superintendents for their good work. This is one small step in the right direction, realizing national averages have been declining for a number of years and that averages are a poor substitute for sure knowledge of whether an individual child is learning or not.

You are the first Legislature to have at your disposal information that clearly shows the following six conditions:

1. How the school system or systems in your district rank relative to the achievement test scores of other school systems.
2. The teacher/pupil ratio of each school in your district, but more important, teacher/pupil ratio in each and every classroom.
3. The amount of local funds, state funds, and federal funds received by the school systems in your district and how the money is being spent. The cash balance at the beginning of the year, and the cash balance at the end of the year.

4. The ranking of each school system as to the money it receives per child.

5. The amount of new money your county and city governments will receive in 1982.

6. A comparison between teacher compensation in Alabama and teacher compensation in other states within the South for 1980-81.

You now have tools from which to make sound financial and sound educational judgments.

I want to thank the members of the State School Board, Dr. Teague, and other State Board Personnel for their initiative in providing facts that are about 40 years overdue.

There must be clear and concise communication between the State School Board and the Legislature. The School Board needs to understand the financial resources of the state. The Legislature needs to understand the priorities, the policies, the problems, the progress, and the funding patterns of our public schools.

There is no greater responsibility one can undertake than to serve on the State School Board or a local school board. The decisions made here have a direct bearing on your child's education. Many times these decisions are difficult and oftentimes controversial. There is one acid test question that should prevail always: "Is it good for the child?" You appropriate over 1/3 of our total tax revenue through the State School Board. It is important that the Legislature fully understand the workings of the Board.

Therefore, I recommend that the Speaker of the House and the Lt. Governor be added to the State School Board.

There is no doubt in my mind that our Speaker and our Lt. Governor, as well as future Speakers and Lt. Governors, will make a valuable contribution to public education.

Not only is the State School Board the guiding policy and management unit for our public school systems but also for 21 Junior Colleges and 28 Technical Colleges. Any board, no matter how capable or hardworking, would find it difficult to fulfill both responsibilities. Therefore, I recommend that the Legislature create a separate board to manage our system of two-year colleges.

You, more than anyone else, understand the politics and the economics of universities. It is impossible for our great schools to pursue a mission of excellence, a mission of quality, not quantity, unless they build on their strengths and eliminate their weaknesses. This has not been done, therefore, I recommend that the role of the Alabama Commission on Higher Education be changed from one of coordination to one of administration and that the Commission be restructured and given the authority to carry out that role.

I will propose a number of other bills:

1. A bill to challenge the absurdity of the Supreme Court decision banning prayer from public schools. To challenge comprehensively a decision that causes confusion and misunderstanding throughout the land. I suspect the Congress of the United States will be dealing rather forcibly with this issue, and it is long overdue.

2. A bill to reinstate the death penalty. It is a deterrent to vicious crime, period.

3. Several bills to strengthen law enforcement. It's time to take the handcuffs off our police, sheriffs, state troopers, ABC agents and other officers, and put the handcuffs on criminals.

4. A bill to authorize a bond issue for Mental Health. I applaud the work of the Legislative Oversight Committee in this respect.

5. A bill to consolidate state environmental functions into one agency. This will enhance our striking the proper balance between adequate environmental safeguards and economic well-being.

I know of several other bills some of you are introducing that I support 100%.

I have, in the last 20 minutes, recommended to you plain, concise, and exact measures to solve the State of Alabama's so called financial crisis, which is a myth. Government, by and large, doesn't know what belt tightening is; the housewife does, the farmer does, the employees of Chrysler Corporation do, our retired people do; but this government is fixing to learn, if you pass my proposals, and the sooner the better. Let me repeat.

1. Unearmark and you burst the strait jacket that prevents you from appropriating public funds according to need.

2. Go back to biennial budgeting and you'll stop a lot of porkbarrel monkey-business with the budgets.

3. Pass my budgets, and I promise you no service of major consequence will suffer, and that higher education will once again devote its attention to quality, not expansion. Now don't forget, our city and county governments will get another 100 million dollars of new revenue in 1982, and the great bulk of this new revenue should go to local school systems.

4. Now that the federal government has followed our lead with a comprehensive hiring freeze, our own freeze will work much better, and attrition alone will help stabilize the cost of government. If you adopt realistic and competitive employee compensation policies, as I am proposing, the combination of these two disciplines will save us about 60 million dollars during the remainder of this fiscal year and the next fiscal year. This is sufficient revenue, if used wisely, to operate state government. You will have to transfer some statutory earmarked taxes to do this. If you do, we are in good shape. If you don't, I suppose you'll look for new taxes, which I'll veto. Of course, you can override my veto with a simple majority.

You see, we call ourselves Alabama's ship of state. The people back home own this boat; their tax dollars pay for it and its upkeep. You and I are the sailors that run the vessel. Now what do you think would happen if all 142 of us set sail on this big yacht that the people pay for and some of us slipped down in the engine room of this fine boat and knocked four big holes in the bottom? Water would gush in; then we come running back up on the deck and holler to the people on the bank: "Hey, our boat is leaking! We're taking water! We're going down! Send us some more tax dollars so we can stay afloat!" You know what I think the people have already said?: "Plug your holes. You are not getting another dime of new state taxes and if you don't plug the holes, we'll get a new crew." and they are dead right.

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I have just identified for the second time tonight the four big leaks of state government and exactly how to plug those big leaks.

I believe in the Alabama Legislature, individually and collectively. In this session, as never before, have so few had so great an opportunity to do so much for so many. I, my cabinet and staff, stand ready and willing to work with you, tirelessly, to these ends.

Thank you.

ADJOURNMENT

At 7:15 P.M., in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Thursday, February 5, 1981, at 12 o'clock Noon.

## SECOND LEGISLATIVE DAY

THURSDAY, FEBRUARY 5, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Gilbert Barrow, Pastor, Capitol Heights Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Barron	Harrison	McDonald	Smith
Britnell	Higginbotham	Miller	Taylor
Cook	Hilliard	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Glass	Kirkland	Proctor	White
Goodwin	Lemaster		

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## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Callahan and Figures for today.

REPORT OF COMMITTEE ON RULES  
ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 4. RELATIVE TO MEETING DATES FROM FEBRUARY 3, 1981 to FEBRUARY 17, 1981.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President<sup>6</sup> of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. St. John:

S. 193. To give permanent status in the classified service under the Merit System Act to all persons employed under provisional appointments as Capitol Security Police Officers in the Department of Finance of the State of Alabama between the dates of June 13, 1979, and July 23, 1980, inclusive, who performed their duties satisfactorily during the period of their employment and to permit the director of finance to condition appointments made hereunder to the satisfactory completion of a six-month working test period and to make such appointments effective immediately after the completion of the working test period.

Committee on Governmental Affairs.

By Mr. St. John:

S. 194. To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to fix the time limits for filing a disclaimer and to provide for the manner of the delivery and filing of the disclaimer; to provide for the form of the disclaimer; to determine the effect of the disclaimer; to provide for waiver and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to ensure that this Act is construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes; to provide for severability of the provisions of this Act; and to provide for a retroactive effective date for the provisions of this Act.

Committee on Judiciary.

By Mr. Teague:

S. 195. To amend Section 32-9-21, Code of Alabama, 1975, which provides for a maximum permissible length for any motor bus driven or operated upon Alabama highways so as to further provide for a maximum permissible width for any such motor bus and to repeal all laws in conflict therewith.

Committee on Commerce, Transportation,  
and Utilities



By Mr. Keener:

S. 196. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the legislative council to be the committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

Committee on Judiciary.

By Messrs. Cook, Hall and Parsons:

S. 197. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. Robertson and Barron:

S. 198. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Committee on Finance and Taxation.

By Mr. Keener:

S. 199. To exempt any department or agency of this State whose cost of printing and publication, including the cost equipment, machines, supplies and inventory is financed in full from federal grants under the authority of Title IX of the Social Security Act of 1935, as amended, for the purpose of administering the Employment Security Program in Alabama from the provisions of Act 1286 of the 1973 Regular Session of the Legislature of Alabama.

Committee on Finance and Taxation.

By Messrs. Parsons, Proctor, White, Robertson, Cook, Holmes, Gullledge, Little, Bailey, Barron, Hall, Mitchem, Keener and Denton:

S. 200. To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools; to provide penalties for failure to report said incidents; and to provide for an effective date.

Committee on Education.

By Mr. Parsons:

S. 201. To amend Section 34-3-41 of the Code of Alabama 1975, which relates to the board of commissioners of the state bar, so as to further regulate their selection, the time and place of elections and the term of office, and the filling of vacancies.

Committee on Judiciary.

By Mr. Parsons:

S. 202. To prohibit any postsecondary school from using public funds for advertising.

Committee on Education.

By Mr. White:

S. 203. To amend Section 16-25-29, Code of Alabama 1975, relating to the composition of the Board of Trustees of the Teachers' Retirement System and procedures for the election of its members.

Committee on Education.

By Messrs. Holmes, Proctor and Teague:

S. 204. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, pistol and such other equipment as the department may designate upon their retirement.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Holmes:

S. 205. To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. deGraffenried:

S. 206. To amend section 26-11-2, Code of Alabama 1975, relating to legitimation of children so as to provide the mother of a child and the child with notice, appointment of a guardian ad litem, and a hearing before legitimation by the father occurs; and to amend section 26-11-3, Code of Alabama 1975, in order to provide the mother of the child and the child with notice, appointment of a guardian ad litem, and a hearing before a name change takes effect.

Committee on Judiciary.

By Messrs. deGraffenried and Callahan:

S. 207. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the State Mental Health Officer, the Director of Finance, two designees of the Lieutenant Governor from the membership of the Alabama Senate and two designees of the Speaker of the House of Representatives from the membership of the said House to become a corporation to be known as the Alabama Mental Health Finance Authority; to prescribe the manner of formation of said Authority; to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to issue and sell bonds and to loan the proceeds thereof to the Alabama Mental Health Board for construction, reconstruction, alteration and improvement of buildings and other facilities, including the procurement of sites and equipment therefor, for mental health purposes in the State; to provide for the execution, form and terms of the bonds of the Authority; to provide that such bonds shall bear interest at a rate or rates not to exceed twelve percent (12%) per annum; to provide that such bonds and the interest thereon shall be payable solely from the revenues and receipts of the Authority under its loan agreements with the Alabama Mental Health Board and that such bonds shall nevertheless constitute negotiable instruments; to authorize the Authority to pledge and assign its loan agreements with the Alabama Mental Health Board as security for the payment of the principal and interest on the bonds of the Authority; to provide that such bonds shall not be debts or obligations of the State; to provide that such bonds and the income therefrom shall be exempt from taxation, and that such bonds may be used to secure deposits of funds of the State and its political subdivisions, instrumentalities and agencies and for investment of fiduciary funds; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to provide that the State Treasurer or a corporate trustee shall be custodian of the funds of the Authority; to provide that all bonds of the Authority may be refunded by the issuance of refunding bonds; to authorize the Authority to borrow money for temporary use in anticipation of the issuance and sale of its bonds; to provide for exemption of the properties, income and filings of the Authority from taxation; to provide for disposition of funds and properties of the Authority when its bonds have been paid or provided for; and to provide for the dissolution of the Authority.

Committee on Finance and Taxation.

By Messrs. deGraffenried and Callahan:

S. 208. To amend Section 22-50-1, Code of Alabama, 1975, by adding a definition of the Alabama Mental Health Finance Authority ("Authority") thereto; to authorize and empower the Alabama Mental Health Board ("Board") to enter into one or more loan agreements with the Authority under the terms of which the Board may borrow from the Authority proceeds of bonds issued by the Authority for the purpose of obtaining funds with which to pay for construction, reconstruction, alteration and improvement of buildings and other facilities for mental health purposes in the State, including the procurement of sites and equipment therefor; to authorize the Board to give promissory notes and other instruments and agreements to the Authority in connection with such loan agreements in order to evidence its obligation to pay to the Authority, in consideration of the loan or loans received by the Board, amounts sufficient to permit the Authority to pay the debt service on the bonds of the Authority secured by the particular loan agreement or agreements; to provide that other terms of loan agreements shall be determined by the board of directors of the Board; to provide that the obligations of

the Board under such loan agreements and related instruments are exempt from all laws of the State governing usury or otherwise limiting interest rates; to provide that such obligations are solely obligations of the Board and are not obligations or debts of the State; to provide that no public hearing or consent of any body other than the board of directors of the Board is prerequisite to the entry by the Board into any loan agreement with, or the giving of any related instrument to, the Authority; to provide that to secure its obligations to the Authority under any loan agreements, the Board may pledge any and all of its revenues and receipts that are not prohibited by law from being so pledged, such revenues, however, to be so committed only when actually received by the Board, except that the Board may pledge anticipated revenues from specified taxes; to make an appropriation of portions of such taxes first for such purpose and secondly for other lawful purposes of the Board; and to direct the State Treasurer, from and after the entry by the Board into any loan agreement, to deposit the pledged revenues from the said taxes directly into any revenue fund, debt service fund or reserve fund established under any such loan agreement or any indenture relating to the bonds of the Authority.

Committee on Finance and Taxation.

By Messrs. deGraffenried and Callahan:

S. 209. To amend section 28-3-202 of the Code of Alabama, 1975, relating to the levy, collection and disposition of a tax on the selling price of all spirituous or vinous liquors sold by the Alabama alcoholic beverage control board, by deleting the provision therein directing that a remainder portion of the proceeds derived from said tax be paid to the credit of the special mental health fund to be used for mental health purposes, including certain specified purposes, and substituting therefor a provision requiring that such remainder portion of the proceeds be used to pay the principal and interest, upon respective maturities, on the bonds issued pursuant to Act No. 377 of the 1959 Regular Session and the residue thereafter remaining be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such portion as would otherwise be paid directly to the board into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Committee on Finance and Taxation.

By Messrs. deGraffenried and Callahan:

S. 210. To amend section 28-3-204 of the Code of Alabama, 1975, relating to the levy, collection and disposition of a tax on the selling price of all spirituous or vinous liquors sold by the Alabama alcoholic beverage control board, by deleting the provision therein directing that a portion of the proceeds derived from said tax be paid to the credit of the special mental health fund to be used for mental health purposes, including certain specified

purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Committee on Finance and Taxation.

By Messrs. deGraffenried and Callahan:

S. 211. To amend section 40-1-31 of the Code of Alabama, 1975, relating, in part, to the distribution of revenues derived from taxes levied under sections 40-21-56, 40-21-57, 40-21-58, 40-21-60, and 40-21-61, by deleting the provision in subsection (1) of 40-1-31 directing that a portion of the revenues, after deduction of the cost of collection, be deposited in the special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into a one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of such loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Committee on Finance and Taxation.

By Messrs. deGraffenried and Callahan:

S. 212. To amend section 40-23-50 of the Code of Alabama, 1975, relating to the levy and disposition of a privilege or license tax on the gross receipts of the business of certain highways and bridge contractors, by deleting the provision therein directing that a portion of the proceeds of said tax be paid to the credit of the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as

the said board shall lawfully designate for the provision of mental health services; to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority; and to correct a typographical error in subsection (d).

Committee on Finance and Taxation.

By Messrs. deGraffenried and Callahan:

S. 213. To amend section 40-21-55 of the Code of Alabama, 1975, relating to the disposition of the receipts of a tax on the gross receipts of electric or hydroelectric public utilities levied under section 40-21-53, by deleting the provision therein directing that a portion of said tax be deposited in the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Committee on Finance and Taxation.

By Messrs. deGraffenried and Callahan:

S. 214. To amend section 40-21-51 of the Code of Alabama, 1975, relating to the disposition of the receipts of an excise tax on the gross receipts of certain public utilities levied by section 40-21-50, by deleting the provision therein directing that a portion of said tax be deposited in the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Committee on Finance and Taxation.

By Messrs. deGraffenried and Callahan:

S. 215. To amend portions of section 40-25-23 of the Code of Alabama, 1975, relating to the disposition of revenues of the privilege tax levied by section 40-25-2 on those who sell, store or receive tobacco products for distribution and the excise tax levied by section 40-25-41 on the storage, use or other consumption of tobacco products purchased at retail, by deleting any reference in said section 40-25-23 to the "general and mental health fund" and providing that the portions of the revenues of said taxes heretofore passing through the "general and mental health fund" before payment thereof to the Alabama mental health board and state health officer in the respective proportions and for the purposes provided, are appropriated to and shall be paid to the said board, or in some instances into designated funds, and said officer without passing through the aforesaid "general and mental health fund"; to delete any requirement that the mental health board devote any percentage of the revenues accruing to it under this section to provision of mental health services for the mentally retarded and to provide, instead, that such revenues shall be paid directly to the board, provided, however, that upon the by the board in one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any such loan agreement or agreements, the state treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority; and to delete reference to a contingent distribution of a portion of revenues for the payment of principal and interest on bonds of the Alabama mental health building authority.

Committee on Finance and Taxation.

By Mr. Hilliard:

S. 216. Requiring that for any disclaimer of an implied warranty under Section 7-2-316(3)(a) of the Code of Alabama (1975) to be enforceable, the language used in connection therewith must be conspicuously printed.

Committee on Judiciary.

By Mr. Hilliard:

S. 217. To amend Section 32-7-15 of the Code of Alabama (1975) so as to correct an error inadvertently made in the 1975 codification of said Code and re-enact the Safety Responsibility Law of Alabama as it actually existed immediately prior to said 1975 codification.

Committee on Judiciary.

By Mr. Mitchem:

S. 218. To amend section 2-30-42 of the Code of Alabama 1975 which relates to the Alabama experiment station system, so as to provide for Sub-agricultural experiment station; to provide for distribution procedures of any appropriations made for maintenance and operation of the experiment

station system or of the Sub-agricultural experiment stations; and to repeal sections 2-30-60, 2-30-61, and 2-30-62 of the Code of Alabama 1975 which relate to the central artificial insemination unit.

Committee on Finance and Taxation.

By Messrs. Mitchem and Keener:

S. 219. To amend § 12-19-150, Code of Alabama 1975, to provide that in the interest of justice a judge may, in his discretion enter an order dismissing a case prior to trial, conditioned upon payment of the docket fee and other court costs; and to provide an effective date.

Committee on Judiciary.

By Mr. Weeks:

S. 220. To provide procedure whereby any project approved as an undertaking to be acquired by any industrial development board incorporated under Title 11, Chapter 54, Article 4 of the Code of Alabama 1975 may be disapproved within a limited time by the governing body of the municipality whose consent for the incorporation of such board is required if such project is located within the corporate limits of such municipality.

Committee on Governmental Affairs.

By Mr. Weeks:

S. 221. To provide that when any member of any reserve police force of an incorporated municipality, while acting in the line and scope of his authority and in good faith, makes an effort to protect and preserve property or makes an effort to preserve the peace, that such member shall not be liable for any civil damages as a result of any act or omission, provided they are not guilty of wanton misconduct.

Committee on Judiciary.

By Mr. Weeks:

S. 222. To amend § 33-5-17, Code of Alabama 1975, so as to increase boat registration fees.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Keener:

S. 223. To further amend Chapter 24 of Title XVI of the Code of Alabama of 1975, as amended, in relation to definition of teacher; the eligibility for continuing service status as a teacher or continuing service status as a supervisor; a fair evaluation procedure for probationary employees; a date certain for the notification of transfers of continuing service status employees; salary entitlements for certified employees during periods of suspension or judicial and quasi-judicial review; and the requirement of a recommendation by a superintendent of education prior to non-reemployment of employees; to further amend Sections 16-24-30, 16-24-31, 16-24-32, and deleting 16-24-38 of the Code of Alabama 1975, as amended, in relation to the composition, size, appointment provisions, hearing of appeals, and meetings of the Alabama State Tenure Commission, and amends Chapter 24 to provide for direct appeals of the Tenure Commission rulings to the Alabama Court of Civil Appeals.

Committee on Education.



By Mr. Weeks:

S. 224. To amend Sections 33-5-11, 33-5-15 and 33-5-16 of the Code of Alabama 1975 relating to the registration and operation of vessels on the waters of this state, so as to prescribe proof of ownership of vessels when applying for a certificate of registration and to increase the fee for transfer and duplicate certificates of registration.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Weeks:

S. 225. To allow the Troy State Board of Trustees to continue the employment of certain employees 70 years of age and older; and to repeal conflicting laws.

Committee on Education.

By Mr. Bailey:

S. 226. To amend Section 25-4-146, Code of Alabama 1975, relating to the police powers of certain employees of the department of industrial relations so as to extend their power to the enforcement of all criminal laws of the state as they relate to the interests of the department of industrial relations.

Committee on Judiciary.

By Mr. Bailey:

S. 227. To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 228. To prohibit the formation of new Mutual Aid Associations under the provisions of §§ 27-30-1 through 27-30-33, Code of Alabama 1975.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 229. To propose an amendment to the Constitution of Alabama of 1901 to repeal Amendment No. 93.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Bailey:

S. 230. To amend Sections 36-2-16 and 36-26-17 of the Code of Alabama, 1975, so as to increase the number of eligibles an appointing authority may have to consider in filling vacancies by appointment from eligible registers.

Committee on Governmental Affairs.

By Mr. Bailey:

S. 231. To amend § 27-2-16, Code of Alabama, 1975, so as to repeal requirements that the Commissioner of Insurance publish an annual list of insurance agents and insurers and a booklet, annually, containing each and every question to be used in a written examination of applicants for license under Chapters 7 and 8 of the Insurance Code.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 232. To prohibit the delivery or issuance for delivery in this state of any policy of burial insurance which provides benefits solely in the form of merchandise and services incident to the burial of the insured or which provides an alternative cash benefit in an amount less than the retail value of the merchandise and services stated in the policy; to specifically authorize the delivery or issuance for delivery in this state of insurance policies which provide benefits payable in funeral services and merchandise or in money in an amount equal to the retail value of such funeral services and merchandise; to specifically authorize the performance or the contracting for performance of any policy of burial insurance issued or outstanding prior to the effective date of this Act or any renewal or reinstatement thereof.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 233. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 234. To amend § 27-30-33, Code of Alabama 1975 requiring Mutual Aid Associations to follow the provisions of the Insurance Holding Company System Regulatory Act found in Chapter 29 of Title 27, Code of Alabama 1975.

Committee on Banking and Insurance.

By Mr. Parsons:

S. 235. To amend Section 62 of Act No. 80-633, H. 81, 1980 Regular Session (Acts of Alabama 1980, p. 1094), the Alabama Business Corporation Act, relating to the books and records of corporations, so as to provide that a corporation may make its books and records available at a location in this State.

Committee on Judiciary.

By Mr. Bailey:

S. 236. To provide for a Life and Disability Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

Committee on Banking and Insurance.

By Mr. Keener:

S. 237. To control the movement of trains to and from any area under an evacuation alert because of rising water, the approach of a hurricane or other natural disaster.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. Harrison, Robertson and Britnell:

S. 238. To require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain local law enforcement officers.

Committee on Finance and Taxation.

By Mr. Holmes:

S. 239. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-7-1, 34-7-4, 34-7-7, 34-7-11, 34-7-16, 34-7-17, 34-7-19, 34-7-21, 34-7-24, 34-7-40, and 34-7-46, Code of Alabama 1975; and to repeal Sections 34-7-8, 34-7-13, 34-7-14, 34-7-22, and 34-7-23, Code of Alabama 1975, so as to: Provide further for the definitions and add two (2) new definitions of "master cosmetologist" and "booth rentals"; provide further for the qualifications of applicants of the board; remove the test for syphilis on the physician's report of applicants; provide for biennial fees and authorize the board to increase fees up to certain amounts; exempt classes of public school boards of education and public trade schools from various provisions of article 7 of Title 34; provide further requirements of temporary licensing; authorize the board to prorate fees in the implementation of biennial licensing; remove subpoena power from board in relation to refusal, revocation or suspension of licenses or certificates; further define exempted occasional hair dressers who receive no compensation; provide all board members must be licensed cosmetologists and need not be at least 25 years of age; provide that board investigations must be initiated by a majority of the board members; and repeal various code sections which are either redundant or superfluous, or have served their intended purposes; and to eliminate county exemptions so as to provide for statewide application of article 7 of Title 34 of the Code of Alabama 1975.

Committee on Governmental Affairs.

By Mr. Gulledge:

S. 240. To amend Section 5-5A-19, Code of Alabama 1975, which relates to the amount of reserve that a bank which is not a member of the Federal Reserve System is required to maintain and to repeal the provisions fixing minimum and maximum amount of required reserves.

Committee on Banking and Insurance.

By Messrs. St. John, Mitchem, deGraffenried, Robertson, Smith, Taylor, Goodwin, Kirkland, Bailey, Hall, Martin, Lemaster, Barron, White, McDonald, Denton and Glass:

S. 241. To define capital offenses; to provide for a sentence of life imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for appellate review of convictions and sentences in cases in which defendants are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions for use in cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary reinterpreted; to provide for severability; to specify the way the act is to be applied if the death penalty provisions of it are declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, § 13-11-1 through § 13-11-9, also codified as § 13A-5-30 through § 13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

Committee on Judiciary.

By Mr. Teague:

S. 242. To authorize the retention of funds of the Public Service Commission only at the end of the 1980-1981 fiscal year to compensate for reduced receipts of inspection and supervision fees due to converting to a fiscal year basis for computation of fees due the Commission.

Committee on Finance and Taxation.

By Mr. Teague:

S. 243. Relating to the Public Service Commission; amending Section 37-1-11 of the Code of Alabama 1975, relating to compensation for the president and associate commissioners so as to further provide therefor; providing for expense allowances for such officials payable from the general fund of the state treasury.

Committee on Governmental Affairs.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 5. MOURNING THE DEATH OF JUSTICE JAMES N. BLOODWORTH.

Also:

S. J. R. 6. COMMENDING DR. JOHN W. KIRKLIN AND ASSOCIATES FOR THEIR CONTRIBUTION IN ESTABLISHING THE ALABAMA CONGENITAL HEART DISEASE DIAGNOSIS AND TREATMENT CENTER.

Also:

S. J. R. 7. CONGRATULATING THE 1980 STATE 4A FOOTBALL CHAMPIONS, THE VESTAVIA HILLS HIGH SCHOOL REBELS.

Also:

S. J. R. 8. MOURNING THE DEATH OF W. COOPER GREEN, FORMER BIRMINGHAM MAYOR AND STATE LEGISLATOR.

Also:

S. J. R. 9. MOURNING THE DEATH OF MR. JOSEPH C. McCORQUODALE, SR., OF CLARKE COUNTY, ALABAMA.

Also:

S. J. R. 10. COMMENDING MR. HARRY L. WEAVER FOR OUTSTANDING SERVICE AS ESCAMBIA COUNTY SUPERINTENDENT OF EDUCATION.

Also:

S. J. R. 11. HONORING JUDGE HUGH ROZELLE UPON HIS RETIREMENT AS JUDGE OF THE DISTRICT COURT OF ESCAMBIA COUNTY.

Also:

S. J. R. 13. CONGRATULATING AND COMMENDING GORDO HIGH SCHOOL, CLASS 2A STATE FOOTBALL CHAMPIONS.

Also:

S. J. R. 14. CONGRATULATING AKRON HIGH SCHOOL CLASS A FOOTBALL CHAMPIONS.

Also:

S. J. R. 15. COMMENDING SOUTH CHOCTAW HIGH SCHOOL ON ITS OUTSTANDING 1980 FOOTBALL SEASON.

Also:

S. J. R. 17. COMMENDING GENERAL IVAN F. SMITH.

Also:

S. J. R. 18. CONGRATULATING MR. AND MRS. J. D. LAWLEY ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,  
Clerk.

#### RESOLUTION

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 25. HONORING MR. TRAVIS FAIR UPON HIS RETIREMENT AS PICKENS COUNTY COMMISSIONER.

WHEREAS, it is with utmost commendation that the Alabama Legislature notes the recent retirement, on January 19, 1981, of William Travis Fair as a longtime member of the Pickens County Commission; and

WHEREAS, appointed May 18, 1960, by Governor John Patterson to fill the unexpired term of Dr. L. C. Davis, Commissioner Fair was elected to a full four-year term commencing in January 1961; and

WHEREAS, four times re-elected, Commissioner Fair served prestigiously for more than two decades, conscientiously and consistently seeking the best interests of his constituents of Gordo, District 3, and of the entire citizenry of Pickens County, as well; and

WHEREAS, it is to be further noted that by virtue of his many years of consecutive service, Commissioner Fair is the longest holder of public office of those now in service to Pickens County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend William Travis Fair for extraordinary and faithful service to the governing body of his beloved Pickens County, Alabama; we further voice our deep appreciation for his dedicated public service and wish him continued success and prosperity in retirement.

BE IT FURTHER RESOLVED, That Commissioner Fair receive a copy of this resolution that he may be aware of our sincere praise and high regard.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Adams (C):

H. J. R. 17. CONTINUING THE LEGISLATIVE JOINT INTERIM EDUCATIONAL INSTITUTIONS STUDY COMMITTEE.

WHEREAS, the Regular Session of the Legislature of Alabama of 1980, by Act No. 80-720, H. J. R. 285, approved May 28, 1980, created a joint legislative interim committee to study educational institutions which receive money from state funds; and

WHEREAS, the committee has had many meetings, conducted many hearings, has made an exhaustive study and has prepared a report of its work to present to the Legislature not later than the tenth legislative day of the 1981 Regular Session; and

WHEREAS, additional study is needed in this area and it is necessary and desirable to continue said committee in existence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint interim committee heretofore established by Act No. 80-720, H. J. R. 285, of the Regular Session of the Legislature of 1980, approved May 28, 1980, shall continue in existence as presently constituted, with three additional members appointed by the Speaker of the House and three additional members appointed by the Lieutenant Governor, and shall continue its work as directed in said Act No. 80-720. The committee shall make a final report during the 1982 Regular Session of the Legislature, at which time the committee shall be terminated.

BE IT FURTHER RESOLVED, That no member of the committee shall be paid any per diem or expenses while the Legislature is in session, regular or special; however, at other times each member of the committee shall be entitled to his per diem and expenses for each meeting attended, as provided

for in Act No. 80-720. The per diem and expenses of the members for the continuance of the committee shall not exceed \$12,000 and shall be paid from any funds appropriated for the use of the Legislature.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 17, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Manley, Campbell, Biddle, Carothers, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 6. MOURNING THE DEATH OF JOSEPH CHARLES McCORQUODALE, SR., DISTINGUISHED CITIZEN AND PROMINENT CLARKE COUNTIAN.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Parsons, the Rules were suspended and the Resolution, H. J. R. 6, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### RESOLUTION

Messrs. Parsons and Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 26. REQUIRING THE GOVERNOR TO ACCOUNT FOR THE COST OF STATE EMPLOYEES MAN HOURS IN ATTENDING AGENCY PRESENTATIONS OF THE GOVERNOR'S LEGISLATIVE PROGRAM.

WHEREAS, executive state agencies have been instructed to hold meetings to formally present the Governor's 1981 legislative program to their employees; and

WHEREAS, these meetings have wasted countless man hours of valuable state employees' work time throughout the entire spectrum of state government; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Governor's office be required to furnish this body with an itemized accounting of the cost to the state of the loss of man hours resulting from these presentations.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Owens:

H. J. R. 12. CREATING A CONTINUING LEGISLATIVE REVENUE PROJECTION COMMITTEE.

WHEREAS, due to the uncertainty of the future economic climate and fluctuations in the economy; and

WHEREAS, the state's education budget has been in proration for three consecutive years; and

WHEREAS, the general fund growth has varied; and

WHEREAS, there is a great need for a governmental body to study, forecast and project the future changes in the economy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Continuing Legislative Revenue Projection Committee. Said committee shall be composed of the State Finance Director, the Commissioner of the Department of Revenue, the Chairman of the State House of Representatives' Ways and Means Committee, the Chairman of the State Senate's Finance and Taxation Committee, the Director of the Legislative Fiscal Office and the Director of Center for Economics and Business Research.

Said committee shall analyze the taxes that have been collected in the first four months of the fiscal year and shall project the balance of the fiscal year tax revenues and growth. The committee shall advise the legislature of the actual projections of revenue for both the education and the general fund budgets.

The committee shall have its organizational meeting within 10 days after passage of this resolution. If and when it is necessary for the committee to meet during the interim, the legislative members shall receive their usual legislative pay, travel expenses and per diem for each day spent in attending committee meetings. Said money shall be paid out of legislative funds. The committee shall promulgate rules for calling itself into session as well as such other rules as it deems advisable for the orderly workings of the committee.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

Mr. Little offered the following amendment to the Resolution, H. J. R. 12, set out in the foregoing message from the House, to-wit:



## AMENDMENT TO H. J. R. 12

Amend H. J. R. 12 Page 1 Line 28, by striking out the word "and" after the word office and insert in lieu thereof a comma ","

And furthermore on line 29 strike out the period "." after the word Research.

And add the following:

"and three members of the State Senate and three members of the State House of Representatives, each to be appointed by the presiding officer of each respective House."

Which was adopted.

Mr. Pearson offered the following amendment to the Resolution, H. J. R. 12, as amended, to-wit:

## AMENDMENT TO H. J. R. 12, AS AMENDED

Amend H. J. R. 12, as amended, Line 15, by striking out the word "State" on Line 23 and all words following through Line 29 and inserting in lieu thereof

"The Chairman of the House Ways & Means Committee, the Chairman of the Senate Finance & Taxation Committee, 3 members of the Legislature appointed by the Speaker of the House and 3 members appointed by the Lt. Governor. Said Committee may call upon other branches at State Government if it so desires.

Which was adopted.

Yeas 18; Nays 12.

*Yeas:*

Messrs.:	Hall	McDonald	Smith	
Barron	Higginbotham	Parsons	Taylor	
Cook	Holmes	Pearson	Vacca	
Denton	Keener	Proctor	White	
Goodwin	Lemaster	Robertson		—18

*Nays:*

Messrs.:	Hilliard	Martin	St. John	
deGraffenried	Kirkland	Miller	Teague	
Glass	Little	Mitchem	Weeks	
Harrison				—12

Mr. Cook offered the following amendment to the Resolution, H. J. R. 12, as amended, to-wit:

## AMENDMENT TO H. J. R. 12, AS AMENDED

Amend H. J. R. 12, as amended, Page 1 Line 35, by striking out the period (.) after the word "budgets" and add the following:

By reporting in writing to the legislature by the 15th legislative day of each regular session of its findings.

Which was adopted.

And on motion of Mr. Little, said Resolution, H. J. R. 12, as thus amended, was then concurred in and adopted by the Senate.

And the President and Presiding Officer appointed as members as part of the Senate Messrs. Little, Proctor, and Barron.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

#### H. J. R. 17. CONTINUING THE LEGISLATIVE JOINT INTERIM EDUCATIONAL INSTITUTIONS STUDY COMMITTEE.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

#### RESOLUTION

Messrs. McDonald, Lemaster, and Smith offered the following Senate Joint Resolution, to-wit:

#### S. J. R. 27. MOURNING THE DEATH OF DR. PHILLIP MASON OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature notes the death, in October, 1980, of Dr. Phillip Mason of Huntsville, Alabama; and

WHEREAS, Dr. Mason, who was 70 years of age at his death, was a native of Marion, Alabama, where he attended Marion Institute; he received his Bachelor and Master of Arts Degrees from the University of Alabama and attended one year of law school, with additional postgraduate studies at Peabody University; and

WHEREAS, Phillip Mason, before his retirement, served as Director of the University of Alabama Huntsville Center's Extension Division, which is now UAH and from which institution he received an honorary Doctoral Degree; and

WHEREAS, for some six years prior to his death, Dr. Mason served as a member of the Alabama State Council on the Arts and Humanities, and in leadership through membership on several committees of said council; and

WHEREAS, as the President of the Arts Council, Incorporated, of Huntsville, Dr. Mason was responsible for the co-ordination of a multitude of cultural activities in Madison County; he further encouraged creative writing for young people through his enthusiastic support of the Huntsville Literary Association for Young Writers Contest; and

WHEREAS, the realization of Huntsville's historic Constitution Hall Park also is due in great measure to Dr. Mason's instrumental efforts in helping to formulate plans for its design and through his committee service and as a member of the Board of Directors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. Phillip Mason and extend our most heartfelt sympathy to all members of his family, to whom copies of this resolution shall be sent.

On motion of Mr. McDonald, the Rules were suspended and the Resolution was adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Payne:

H. J. R. 27. REQUESTING THE GOVERNOR TO ESTABLISH A TASK FORCE FOR THE PURPOSE OF FORMULATING RECOMMENDATIONS FOR THE USE OF EXISTING RESOURCES TO REDUCE INAPPROPRIATE TEENAGE PREGNANCIES IN ALABAMA.

WHEREAS, state vital statistics data for the year 1979 reveal that 72 per 1,000 births in Alabama were to mothers 15-19 years of age; and

WHEREAS, of these 13,500 births to women less than 20 years of age, many are known to result from unwanted and inappropriate pregnancies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Governor of the State of Alabama to implement a teenage pregnancy task force for the purpose of studying and proposing specific recommendations to the Governor, and to the Legislature, as to how existing resources might be used to reduce unwanted and inappropriate teenage pregnancies in Alabama. We respectfully suggest that such task force include members from the Department of Public Health (Bureau of Maternal and Child Health), State Education Department, Alabama Chapter/American Academy of Pediatrics, the Department of Pensions and Security, the Office of Rural Health, the HSA's, SHPDA, SHCC and such voluntary organizations as the March of Dimes, the Alabama Council on Maternal and Infant Health and four members of the Legislature, two to be appointed by the Speaker of the House and two by the Lieutenant Governor.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor James that he may know of our concern in this matter and of our desire that he activate such task force as hereby recommended by the Legislature.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 27, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Bedsole:

H. J. R. 28. CALL FOR AN INVESTIGATION BY THE OFFICE OF MANAGEMENT AND BUDGET INTO THE COST EFFECTIVENESS OF HSAS.

WHEREAS, the National Health Planning and Resources Development Act of 1974 (PL 93-641) has from its inception been a source of concern to many Alabamians because of the increasing federal dictation of the planning process; and,

WHEREAS the federal law mandated the formation of local Health Systems Agencies (HSAs) while restricting all effective decision making by such agencies to compliance with federal guidelines and regulations; and,

WHEREAS, evidence has not been established that the Health Systems Agencies have prevented unneeded investment in health care facilities and may in fact contribute to the cost of health care directly and through needless delays in legitimate planning for local health care needs; and,

WHEREAS, the Joint Interim Committee to Study the Rising cost of Medicaid in the State of Alabama has recommended that Congress investigate the Health Systems Agencies in view of the fact that the agencies in Alabama have published health care plans through 1985 while they continue to exist at a cost of approximately \$3 million per year; and,

WHEREAS, without opposing the concept of health care planning, the Legislature of the State of Alabama records its concern in regard to the cost effectiveness of the HSAs and express its support for greater State control over the health planning process; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, AND THE SENATE OF ALABAMA CONCURRING, that we do hereby urge the Director of the U.S. Office of Management and Budget to conduct an independent investigation into the effectiveness of the Health Systems Agencies in the containment of health care cost and report its finding to the Congress of the United States.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to all members of the Alabama Congressional Delegation.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 28, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### RESOLUTIONS

Mr. Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 28. MOURNING THE DEATH OF MRS. PAULINE MYRA JONES GANDRUD.

WHEREAS, The Tuscaloosa community and the State of Alabama lost one of its most outstanding citizens on September 29, 1980, when Mrs. Pauline Myra Jones Gandrud died; and

WHEREAS, Mrs. Gandrud, the widow of B. W. Gandrud, a mining engineer, had a consuming interest in genealogy, and gave tirelessly of her skill in researching and compiling old records from courthouses, cemeteries, and libraries; and

WHEREAS, The output of this love, energy, and skill is contained in over 250 volumes of material, which Mrs. Gandrud painstakingly compiled and shared selflessly with others, and

WHEREAS, The recent upsurge of interest in tracing ancestry brought countless people not only from Tuscaloosa but from around the Southeast to enlist the expert assistance of Mrs. Gandrud in ferreting out and compiling family histories; and

WHEREAS, Much of Mrs. Gandrud's output has been generously bequeathed to the Gorgas Library at the University of Alabama, thereby continuing to be available to interested researchers; and

WHEREAS, What was once a part-time hobby turned into a most sought-after, full-time service, and Mrs. Gandrud became one of the most valuable and beloved citizens of her community and state; and

WHEREAS, Mrs. Gandrud could always find time to be a friend, and to make significant contributions of love and neighborliness to her family, her many friends, and to her community; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express the gratitude of the Legislature, on behalf of the people of Alabama, for the life of Mrs. Pauline Myra Jones Gandrud, and the many contributions she made during her long and productive lifetime to the enrichment of our state; she will be sadly missed, but leaves a rich heritage to all who knew and loved her.

BE IT FURTHER RESOLVED, That our deepest sympathy is extended to her son, Bill Gardner, of Atlanta, Georgia.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Barron offered the following Senate Resolution, to-wit:

S. R. 29. INVITING THE HONORABLE JOE FOSS, FORMER GOVERNOR OF THE STATE OF SOUTH DAKOTA, TO ADDRESS THE ALABAMA SENATE.

Which was adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Smith (C), Whatley, and Cates:

H. J. R. 11. COMMENDING THE ALABAMA CATTLEMEN'S ASSOCIATION.

Also:

By Rep. Blake:

H. J. R. 16. COMMENDING WAYNE SPRADLEY OF PELL CITY, ALABAMA, ON HIS OUTSTANDING ARTISTIC ACCOMPLISHMENTS.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H. J. R. 11, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Teague, the Rules were suspended and the Resolution, H. J. R. 16, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Messrs. Little, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 30 MOURNING THE DEATH OF COACH JAMES RALPH JORDAN OF AUBURN UNIVERSITY.

WHEREAS, the Legislature of Alabama has been grievously saddened by the death of Auburn's beloved Coach James Ralph "Shug" Jordan on July 17, 1980, at the age of 69; and

WHEREAS, as Auburn's head football coach for 25 seasons from 1951 until his 1975 retirement, Shug Jordan successfully re-built Auburn's football program to powerhouse proportions, to the National Championship in 1957 and his teams, throughout his tenure, were a source of great pride to the State of Alabama, as was Coach Jordan's phenomenal career record of 175-83-7, which ranked him fourth in the nation in all-time victories among college coaches; and

WHEREAS, during his long association with Auburn, which he served with love and devotion until his death, Ralph "Shug" Jordan was coach, mentor and, above all, friend to hundreds of young athletes whose lives were profoundly affected through association with our state's own legendary "Gentleman Coach"; and

WHEREAS, the passage of time since Coach Jordan's death has not eased the sorrow of those who knew and loved him as the extraordinary man that he was; he yet is mourned by his family and many, many friends, by all those privileged to know him and, indeed, by the entire citizenry of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of Alabama's own "Shug" Jordan through whom the spirit of Auburn shone brightly.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to his wife, Mrs. Evelyn Walker Jordan that she and their children may know of our sincerely shared sorrow in the loss of their husband and father, a distinguished Alabamian and a truly great American.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Little, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

**S. J. R. 31. MOURNING THE DEATH OF DEAN KATHARINE COOPER CATER OF AUBURN UNIVERSITY.**

WHEREAS, it is with a deep sense of sorrow and regret that the Alabama Legislature notes the death of Dean Katharine Cooper Cater on July 23, 1980, in Auburn, Alabama; and

WHEREAS, for more than thirty years, from 1946 until her death, Dean Cater supervised and counselled Auburn students in her capacity first as Dean of Women and Social Director, then as Dean of Student Life; she was sympathetic, objective and fair in her guidance, and constant in her love as she served her beloved Auburn and "her" students with devotion and dedicated zeal; and

WHEREAS, the recipient of numerous honors, accolades and awards, Dean Cater was perhaps most signally honored by the 1979 dedication of the Social Center at Auburn University, designated by the Legislature and the Auburn Board of Trustees as "Katharine Cooper Cater Hall"; and

WHEREAS, named Administrator of the Year in 1979 by the Association of Alabama College Administrators, she also was acclaimed by the establishment in 1977 of the Katharine Cooper Cater Fellowship by Alpha Lambda Delta, the professional honorary organization she served as National President from 1970 until 1976; and

WHEREAS, though a native of Georgia and a graduate of South Carolina's Limestone College, magna cum laude, Auburn and Alabama claim Dean Cater for their own as she was a lady of great stature and accomplishment who for almost 35 years helped mold the character, values and high moral principles of thousands of Alabama's youth; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we are deeply saddened by the death of Katharine Cooper Cater and extend our most heartfelt sympathy to her family to whom a copy of this resolution shall be sent.

On motion of Mr. Little, the Rules were suspended and the Resolution as adopted by the Senate.

Messrs. Cook and Proctor offered the following Senate Joint Resolution, to-wit:

**S. J. R. 32. HONORING MR. JAMES FRANKLIN GLASGOW OF ALABASTER, SHELBY COUNTY, ALABAMA.**

WHEREAS, the Legislature of Alabama joins with the city and citizens of Alabaster in congratulating and honoring Mr. James "Buddy" Glasgow upon his ascendancy to the office of Grand Master of the Grand Lodge of Free and Accepted Masons of Alabama; and

WHEREAS, a member of Alabaster's Corinthian Lodge, Mr. Glasgow has been a Mason since 1966 and has risen in rank through the Order, holding numerous offices of successively higher station from Lodge Master in 1970 to Lecturer of District 12, then as Junior Grand Warden in 1978, preceding his election as Grand Master on November 19, 1980; and

WHEREAS, a United States Army veteran who served in combat with the 82nd Airborne Battalion in Viet Nam, Mr. Glasgow has attended Jefferson State College, the FBI National Academy, Alabama Police Academy, Southern Police Institute and Federal Narcotics School, as well; he currently serves as Sheriff of Shelby County; and

WHEREAS, Buddy Glasgow also is a member of the Board of Directors of the Alabama Sheriffs' Boys and Girls Ranches and further serves on the advisory boards of the Law Enforcement Academy at the University of Alabama, the Shelby County YMCA and of Kings Ranch; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. James Franklin Glasgow as Grand Master of the Grand Lodge F and AM of Alabama; we further voice appreciation for his civic involvement and concern and direct that he receive a copy of this resolution in token of our warm praise and regard.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Martin offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. EXTENDING OUR GOOD WISHES FOR AN EARLY RECOVERY FOR MRS. BETTY NELL LETSON.

WHEREAS, regrettably, we have learned that Mrs. Betty Nell Letson, the wife of our friend and colleague, Representative Sam Letson, is hospitalized and recuperating from surgery performed Monday, February 2, 1981; and

WHEREAS, we are pleased, however, to hear that the prognosis is extremely encouraging and we are prayerful that her confinement will be as brief as anticipated and that she soon will be returning home; and

WHEREAS, we further join with her family and many friends in looking forward to her complete and speedy recovery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our warm and best good wishes to Mrs. Betty Nell Letson and direct that she receive a copy of this resolution evidencing our regret and concern in her confinement.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

#### COMMITTEE REPORT FILED

Pursuant to Act No. 80-443, the report of the Committee on Municipal Government was read and filed with the Secretary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Stewart and Turnham:

H. J. R. 30. HONORING COMMUNITY EDUCATION.

JOHN W. PEMBERTON,  
Clerk.



## HOUSE MESSAGE

On motion of Mr. Gullede, the Rules were suspended and the Resolution, H. J. R. 30, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Harper (T), Turner, Stewart, Parker, Zoghby, Bedsole, McMillan, Buskey and Rains.

H. J. R. 25. HONORING PAUL WESTERFIELD BRUNSON UPON HIS RETIREMENT AS JUDGE OF THE DISTRICT COURT OF MOBILE.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Gullede, the Rules were suspended and the Resolution, H. J. R. 25., set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## RESOLUTION

Messrs. Taylor and Goodwin offered the following Senate Resolution, to-wit:

S. R. 34. COMMENDING FORMER PRATTVILLE MAYOR C. M. GRAY.

Which was adopted.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Whatley, Turnham, Edwards and Ward.

H. J. R. 18. MOURNING THE DEATH OF EDWARD GINGLES.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Weeks, the Rules were suspended and the Resolution, H. J. R. 18., set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## RESOLUTION

Mr. Weeks offered the following Senate Resolution, to-wit:

S. R. 35. URGING PROTECTION UNDER THE LAW FOR OUR LAW ABIDING CITIZENS OF COVINGTON COUNTY AND VICINITY.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McCorquodale and Manley:

H. J. R. 21. HONORING CLARANCE R. MYRICK, PROMINENT CLARKE COUNTY CIVIC AND POLITICAL LEADER.

Also:

By Reps. Biddle, Gafford and Waggoner.

H. J. R. 22. EXTENDING BEST WISHES OF THE LEGISLATURE TO MR. AND MRS. WILLIAM VAUGHN LEWIS OF BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 21. and 22, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Moore:

H. J. R. 7. COMMENDING MISS PAIGE PHILLIPS, MISS ALABAMA AND FIRST ALTERNATE TO MISS AMERICA, 1981.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 7, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Moore:

H. J. R. 8. CORDIALLY REQUESTING MISS PAIGE PHILLIPS OF LEEDS, ALABAMA, TO APPEAR IN PERFORMANCE FOR THE ALABAMA LEGISLATURE.

WHEREAS, Miss Paige Phillips of Leeds, Alabama, currently serves as first alternate to Miss America for 1981; and

WHEREAS, in addition to extraordinary beauty and charm, Miss Phillips also is possessed of an exceptional talent which was brilliantly demonstrated the night of the pageant finals; and

WHEREAS, in standing ovation her audience expressed its pleasure and appreciation as did those of us at home privileged to view the nationally televised program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most cordially request Miss Paige Phillips to appear in performance for the Alabama Legislature at her earliest convenience; we further direct that, by copy of this resolution, Miss Phillips be informed of our invitation and of our anticipation of her acceptance.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 8., set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### REPORTS OF COMMITTEES

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. deGraffenried:

S. 1. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

By Mr. Vacca:

S. 42. To require that children under the age of five use a passenger restraint system in certain instances; to provide penalties for violation of the act.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. St. John and Little (With Substitute)(With Amendment):

S. 27. To provide for a durable power of attorney that may survive incompetency or until actual knowledge of death of the principal.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith (With Amendments):

S. 72. To amend extensively the "Sunset Act of 1976, in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or non-enumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 8. To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations.

By Mr. Gulledge:

S. 9. Relating to voter registration; to amend Code of Alabama 1975, Section 17-4-158, so as to require that all city clerks be appointed as deputy registrars.

By Mr. Gulledge:

S. 159. To amend further S 11-41-1, Code of Alabama, 1975, as amended, relating to the incorporation of municipalities so as to increase the population requirements for the incorporation of an unincorporated community.

By Mr. Smith:

S. 74. Relating to the continued existence and functioning of the State Pilotage Commission provided for in Sections 33-4-1 through 33-4-57 of the Code of Alabama 1975, and as otherwise provided by law.

By Mr. Smith:

S. 75. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Polygraph Examiners as provided in Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975, as

amended, with certain modifications; to amend Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24, and 34-25-29, Code of Alabama 1975; and to repeal Section 34-25-3 of the Code of Alabama 1975, so as to: Eliminate the requirement that appointees to the board be approved by the senate; remove the board's authority to set travel and expense allowances; authorize the board to set salaries of its employees and hire temporary investigatory employees; provide further for the collection and use of fees of the board; provide for \$50.00 per day plus mileage allowance for board members when meeting; provide same mileage and per diem travel expenses for board members as are paid to state employees; authorize board to determine which expenses of the board are necessary, subject to state bid law; provide board's purchases may be made through state finance department purchasing agency; exempt board from payment of state sales tax; lower age requirement for examiners from 25 to 21; alter the baccalaureate requirement of examiners; to place board on same fiscal year as the state; and to repeal Section 34-25-3, Code of Alabama 1975, which prescribes the type of instrument examiners must use.

By Mr. Smith:

S. 79. Relating to the continued existence and functioning of the Board of Medical Scholarship Awards provided for in Sections 16-47-121 through 16-47-129 of the Code of Alabama 1975, and as otherwise provided by law.

By Mr. Holmes:

S. 80. Relating to the continued existence and functioning of the Board of Dental Scholarship Awards provided for in Sections 16-47-76 through 16-47-81 of the Code of Alabama 1975, and as otherwise provided by law.

By Mr. Smith:

S. 82. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$100.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure; remove quasi-judicial status and civil immunity status from the board; and require all members of the board to be licensed auctioneers.

By Mr. Smith:

S. 83. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons as provided in Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 2-28-1, 2-28-4, 2-28-7, 2-28-8 and 2-28-10 of the Code of Alabama 1975 so as to: delete the definition of "suboffice"; authorize a fee for each examination given by the board; to authorize the denial or revocation of certificates or licenses of individuals regulated by the board; to authorize the board to provide for reciprocal agreements with other states; and increase existing bond coverage and provide for insurance for products liability for licensees of the board.

By Mr. Parsons:

S. 84. Relating to the continued existence and functioning of the State Board of Bar Examiners provided for in Sections 34-3-1 through 34-3-108 of the Code of Alabama 1975, as amended, specifically in Sections 34-3-2 and 34-3-40.

By Mr. Holmes:

S. 88. Relating to the continued existence and function of the State Real Estate Commission provided for in Sections 34-27-1 through 34-27-38 of the Code of Alabama 1975.

By Messrs. McDonald, Smith and Lemaster:

S. 112. To amend Sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, or whether created by general, special or local laws, or general laws of local application, if the authority governs an airport operated by a county and at least one municipality therein jointly, to be eligible recipients of funds and assistance from the state industrial development authority.

By Mr. Teague:

S. 128. To amend Section 41-16-54, Code of Alabama 1975, in order to require that notices of the solicitation for bids be sent to the groups, organizations or associations for distribution to interested contractors.

By Mr. Teague:

S. 130. Relating to the real estate business in Alabama; amending §§ 34-27-7 and 34-27-31 through 34-27-35 in order to increase the size of the Alabama real estate commission, provide further for the terms of office of the members of such commission, and for the performance of their duties; and to regulate further the licensing of persons engaged in the real estate business in this state and to increase certain fees in relation to such licensing.

By Mr. Denton:

S. 154. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

The above Bill was read a second time at length as required by the Constitution.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. White, Proctor, Hilliard, deGraffenried, Cook, Parsons, Holmes and Miller.

S. 69. To amend Section 16-40-7 of the Code of Alabama, 1975, requiring comprehensive health education in the public schools of Alabama, so as to further provide for the commencement of such instructions for certain pupils and to prescribe the minimum health instruction requirements for grades K through nine.

By Messrs. White, Parsons, Smith, Teague and St. John:

S. 70. To abolish the State Licensing Board for the Healing Arts; to transfer all of the powers of the State Licensing Board for the Healing Arts with regard to chiropractors to the State Board of Chiropractic Examiners; and to provide for the transfer of property and assets to the State Board of Medical Examiners for the use of the Medical Licensure Commission.

By Messrs. White, Parsons, Smith, Teague and St. John:

S. 71. To create a commission to be known as the Medical Licensure Commission appointed by the Governor, Lieutenant Governor, and Speaker of the House; to set the terms of office of the members of the Commission and stagger those terms; to give the Commission exclusive power and authority to issue, revoke and reinstate all licenses to practice medicine or osteopathy; to give the Commission authority to promulgate reasonable rules and regulations; to require the Commission to receive and consider but not be bound by the recommendation of the State Board of Medical Examiners prior to exercising its authority under this Act; to provide that all personnel and facilities necessary for administration of this Act be furnished by the State Board of Medical Examiners, and to provide that all money, funds, fees, charges, and other receipts provided for in this Act be paid to the State Board of Medical Examiners to carry out the provisions of this Act; to authorize the State Board of Medical Examiners to employ the individuals necessary for assisting the Commission; to give the Commission and the Board power to call upon prosecuting attorneys for assistance without charge; to give an applicant whose application for a certificate of qualification is denied by the Board a right of appeal to the Commission; to provide for appropriate fees to be charged for administration of this Act; to provide that the State Board of Medical Examiners shall have the duty to promote continuing medical education of all licensed physicians and osteopaths and empower the Board to provide funds to any nonprofit corporation for the purpose of conducting continuing medical education programs without being bound by competitive bidding laws; to establish the necessary administrative provisions for administration of this Act; to authorize the State Board of Medical Examiners to collect all fees provided for in this Act and require the Board of Medical Examiners to furnish all employees and facilities utilized by the Commission; to provide that the State Board of Medical Examiners shall continue to collect fees for examination, certificates of qualification, and such other fees as are authorized by law or this Act; to give the Commission authority to seek an injunction against any person engaged in the unlawful practice of medicine or osteopathy; to require that licenses to practice medicine or osteopathy be recorded in the office of judge of probate in the county in which the licensee resides; to provide that any person who practices medicine or osteopathy without having complied with the provisions of this Act and any person who violates any of the provisions of this Act be fined not less than \$500.00 (five hundred dollars) and not more than \$1,000.00 (one thousand dollars), and, in addition, at the discretion of the trial judge may be imprisoned in the county jail for not more than 12 (twelve) months; to provide that each day a person practices medicine or osteopathy without meeting all of the requirements of all laws now in force and of this Act shall constitute a separate offense; to provide that any person filing or attempting to file as his own a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree; to give the Medical Licensure Commission the power and duty to suspend for a specified time to be determined in the discretion of the Commission or revoke a license whenever the licensee is found guilty on the basis of substantial evidence of any of the specified grounds in the Act; to establish acts or offenses which constitute grounds for

the Medical Licensure Commission to suspend or revoke licenses to practice medicine or osteopathy; to provide that every physician who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing or by making and filing an annual registration to practice medicine or osteopathy shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations at the direction of the Board or Commission and provide that the physician shall be deemed to have given his consent to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications; to establish procedures by which the State Board of Medical Examiners shall investigate complaints against physicians or osteopaths and make recommendations to the Medical Licensure Commission; to establish procedures by which hearings for suspension or revocation of a license shall be conducted by the Commission; to give the authority to the Commission to temporarily suspend the license of a physician or osteopath without a hearing where the physician's or osteopath's continuation in practice may constitute an immediate danger to his patients or to the public; to provide procedures whereby a physician or osteopath may surrender his certificate of qualification or request in writing that a restriction be placed on his certificate of qualification; to specify the actions that may be taken by the Commission if a physician or osteopath is found guilty of any of the acts, offenses or conditions specified in this Act; to grant subpoena power to the Commission and to the Board; to authorize depositions to be taken on a commission issued by the executive officer of the Commission or by the executive director of the Board; to provide that any order of the Medical Licensure Commission suspending or revoking a license to practice medicine or osteopathy shall have immediate effect and shall not be stayed or held in abeyance by any court; to provide that if a court of competent jurisdiction determines that the Commission acted arbitrarily or capriciously or that the Commission grossly abused its discretion, that the order of the Commission shall be vacated upon issuance of a peremptory writ of mandamus; to provide that the reviewing court shall not itself hear or accept any further evidence with respect to issues of fact determined by the Commission; to provide for the repeal of conflicting laws; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

By Mr. Holmes:

S. 18. To require the Department of Pensions and Security to establish a toll-free telephone number to be used for reporting suspected cases of welfare fraud and abuse.

By Mr. Miller:

S. 43. To provide that medical hospitals for humans, emergency rooms connected thereto, and nursing homes, submit itemized statements, upon request, to patients, of services rendered by said institutions and to provide penalties for failure to submit said statements.

#### RESOLUTION

Messrs. Mitchem and Lemaster offered the following Senate Resolution, to-wit:

S. R. 36. HONORING MR. ANDREW SMALL, PROMINENT DEKALB COUNTY EDUCATOR.

Which was adopted.

REPORT OF THE STATE JUDICIAL COMPENSATION COMMISSION  
TO THE 1981 SESSION OF THE ALABAMA LEGISLATURE



The Judicial Compensation Commission hereby files its report with the 1981 Regular Session of the Alabama Legislature.

The Commission notes that their 1980 Legislature increased the salary of all judges, and it is the judgment of the majority of this Commission that a cost of living raise should be granted in the amount of seven and one-half (7½%) per cent.

Accordingly, it is recommended to the Legislature that the annual salary and expense allowance to be paid from the State Treasury for Appellate, Circuit, and District Judges of this State be increased by seven and one-half (7½%) per cent, and be fixed as follows:

Supreme Court of Alabama	
Chief Justice	\$53,212.50
Associate Justices	\$52,675.00
Court of Criminal Appeals and Court of Civil Appeals	
Presiding Judge	\$52,137.50
Associate Justices	\$51,600.00
Circuit Judges	\$39,291.25
District Judges	\$31,712.50

ADOPTED by the affirmative vote of the below named four members of the Judicial Compensation Committee with one dissent, which is attached hereto and made a part hereof.

CERTIFIED to the Secretary of the State of Alabama and submitted to the Legislature all this 14th day of January, 1981.

J. CLEWIS TRUCKS,  
Chairman.

O. D. MASON, Jr.,

BOYD WHIGHAM,

T. MASSEY BEDSOLE.

#### DISSENT

I respectfully dissent.

For the third consecutive year I will state the reasons for my dissent. In my view, when a person is elected to public office he makes a contract with the electorate that he will serve during the period for which he was elected at the salary which he knew to be in effect at the time he assumed the office. To ask, expect or accept additional compensation during that term of office is a violation of the contract under which he took the office. Therefore, as a matter of principle and conscience, I will not be a party to raising the salary or allowances of any elected official during the term of office to which he was elected.

ELISHA C. POOLE.

The foregoing report was read and referred to the standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 23. NAMING HIGHWAY 144 IN SAINT CLAIR COUNTY, ALABAMA, THE "POP DICKINSON HIGHWAY."

WHEREAS, Leon Ullman Dickinson has been a beloved and respected citizen of Ragland in Saint Clair County, Alabama, since 1935, when he moved to that area to establish and operate his own sawmill business; he was later to enter the lumber and building supply business and remain actively engaged in its operation and management until his retirement at the venerable age of 94; and

WHEREAS, affectionately and widely known simply as "Pop" Dickinson, he is now 96 years of age and yet a viable force for goodness in his beloved hometown of Ragland and in all of Saint Clair County; and

WHEREAS, it is to be admirably noted that during the two decades between 1940 and 1960, Pop Dickinson, in the course of his business and without charge, financed the cost of building materials and supplies for more than 50% of the homes built in Ragland; and

WHEREAS, though he, himself, is modest in his generosity, his fellow citizens are aware, in love and gratitude, of his lifetime spent in care and concern for his fellowman; and

WHEREAS, he is a Mason of many years' standing, a member of the Civitans, a member of the First United Methodist Church of Ragland where he served as Deacon for many years, and he is a past member of the local Housing Authority Board; and

WHEREAS, Mr. Dickinson, who has long been actively involved with the Boy Scout Program, holds the organization's coveted Silver Beaver Award; he further numbers among his civic contributions continuing participation in the affairs of his community that are to the good and betterment of his neighbors and friends; and

WHEREAS, among accolades of his friends are to be found tributes to his "love," "generosity," "understanding," "wisdom," "gentleness" and "wit"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and in gratitude to Leon Ullman Dickinson, Highway 144 in Saint Clair County, Alabama, is hereby named and designated as the "Pop Dickinson Highway."

RESOLVED FURTHER, That Mr. Dickinson receive a copy of this resolution that he and his family may be aware of this honorary designation tendered in appreciation and in high regard.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 23., set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## ADJOURNMENT

At 2 o'clock P.M., on motion of Mr. White, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, February 10, 1981, at 2 o'clock P.M.

REGULAR SESSION  
3rd Day

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THIRD LEGISLATIVE DAY  
TUESDAY, FEBRUARY 10, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend James D. Hatch, Pastor, Oak Park Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	White
Figures	Keener	Pearson	

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Weeks for today.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 5. MOURNING THE DEATH OF JUSTICE JAMES N. BLOODWORTH.

Also:

S. J. R. 6. COMMENDING DR. JOHN W. KIRKLIN AND ASSOCIATES FOR THEIR CONTRIBUTION IN ESTABLISHING THE ALABAMA CONGENITAL HEART DISEASE DIAGNOSIS AND TREATMENT CENTER.

Also:

S. J. R. 7. CONGRATULATING THE 1980 STATE 4A FOOTBALL CHAMPIONS, THE VESTAVIA HILLS HIGH SCHOOL REBELS.

Also:

S. J. R. 8. MOURNING THE DEATH OF W. COOPER GREEN, FORMER BIRMINGHAM MAYOR AND STATE LEGISLATOR.

Also:

S. J. R. 9. MOURNING THE DEATH OF MR. JOSEPH C. McCORQUODALE, SR., OF CLARKE COUNTY, ALABAMA.

Also:

S. J. R. 10. COMMENDING MR. HARRY L. WEAVER FOR OUTSTANDING SERVICE AS ESCAMBIA COUNTY SUPERINTENDENT OF EDUCATION.

Also:

S. J. R. 11. HONORING JUDGE HUGH ROZELLE UPON HIS RETIREMENT AS JUDGE OF THE DISTRICT COURT OF ESCAMBIA COUNTY.

Also:

S. J. R. 13. CONGRATULATING AND COMMENDING GORDO HIGH SCHOOL, CLASS 2A STATE FOOTBALL CHAMPIONS.

Also:

S. J. R. 14. CONGRATULATING AKRON HIGH SCHOOL, CLASS A FOOTBALL CHAMPIONS.

Also:

S. J. R. 15. COMMENDING SOUTH CHOCTAW HIGH SCHOOL ON ITS OUTSTANDING 1980 FOOTBALL SEASON.

Also:

S. J. R. 17. COMMENDING GENERAL IVAN F. SMITH.

Also:

S. J. R. 18. CONGRATULATING MR. AND MRS. J. D. LAWLEY  
ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY.

ALBERT McDONALD,  
Chairman.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Cook:

S. 244. To prescribe a period of time in the public schools not to exceed fifteen minutes for study of the formal procedures followed by the United States Congress, which study shall include a reading verbatim of one of the opening prayers given by either the House or Senate Chaplain at the beginning of a meeting of the United States House or Senate.

Committee on Education.

By Mr. Cook:

S. 245. To exempt certain sales of printed materials from any state, county or municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Gullett:

S. 246. To amend Section 5-19-30, Code of Alabama 1975, which imposes penalties on unlicensed persons making credit sales and repeals Sections 5-19-2, 5-19-27 and 5-19-28, Code of Alabama 1975, so as to abolish the Consumer Protection Council.

Committee on Judiciary.

By Mr. Goodwin:

S. 247. To exempt from the requirements of the Alabama Child Labor Act, Chapter 8, Title 25, Code of Alabama 1975, as amended, time and hour restrictions for children under 16 and the requirement for securing employment and age certificates by persons under 17 who are employed as actors or performers and to set forth protective employment conditions for such children under the age of 16.

Committee on Business and Labor Relations.

By Messrs. Hall, Glass, Proctor, Parsons, Robertson and deGraffenried:

S. 248. To amend Section 16-25-14, Code of Alabama 1975, regarding retirement of members of the teachers' retirement system and benefits to said members, so as to raise the mandatory teachers' retirement age.

Committee on Education.

By Messrs. Hall and Vacca (with notice and proof):

S. 249. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Committee on Governmental Affairs.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 249, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. deGraffenried:

S. 250. To Amend Sections 2, 7, 8, 15, 23, 48, 62, 67, 73, 75, 76, 78, 79, 80, 96, 101, 104, 106, 114, 121, 136, 139, 162, 163, 169 and 190 of Act No. 80-633, H. 81, Regular Session 1980 (Acts of Alabama 1980, p. 1094) as amended, known as "The Alabama Business Corporation Act" and to repeal Section 51 of said Act No. 80-633.

Committee on Judiciary.

By Mr. Teague:

S. 251. To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to the bond with sureties given for county and statewide notaries public, respectively, so as to increase the dollar amounts of such bonds.

Committee on Judiciary.

By Mr. Teague:

S. 252. To provide that owners of motor vehicles that are leased to other persons shall not be liable for parking violations when the vehicles are not in their possession and provides that said lessors shall notify the clerk of the proper court with the name and address of the lessee.

Committee on Judiciary.

By Mr. Teague:

S. 253. To control the movement of railroads, trucks, ships, barges and airplanes to and from any area under an evacuation alert because of rising water, the approach of a hurricane or other natural disaster.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Pearson:

S. 254. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901; which Section defines general, local and special or private laws; to validate and confirm Act 79-263 (House Bill No. 68) which Act established eight classes of municipalities and each and every act enacted which refers or relates to a class of municipalities established under the provisions of Act No. 79-263.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Barron, Robertson, Parsons, Harrison, Britnell, Little, Taylor, Denton, Holmes, Proctor, Glass, Hall, Miller, Bailey, Vacca and Teague:

S. 255. To provide salary increases for certain state employees and to appropriate funds therefor.

Committee on Finance and Taxation.

By Messrs. Barron, Parsons, Harrison, Britnell, Robertson, Little, Taylor, Denton, Holmes, Proctor, Glass, Hall, Miller, Bailey, Vacca, Martin, Teague, Keener and Kirkland:

S. 256. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on official state business.

Committee on Finance and Taxation.

By Mr. Hilliard:

S. 257. To prohibit any state agency, board, bureau or commission from prescribing educational requirements for licensure in excess of the requirements established by law or by rules and regulations prescribed by the state Department of Education.

Committee on Education.

By Messrs. Hilliard and Hall:

S. 258. To create a board of trustees to manage and control the University of Alabama at Birmingham; to prescribe the powers, duties and authority, and compensation of such board; to provide for the appointment and prescribe the term of office of members thereof; to divest the board of trustees of the University of Alabama of all jurisdiction, power and authority with respect to the supervision, management and control of the University of Alabama at Birmingham; and to provide for the transfer from said board of trustees of the University of Alabama to the board of trustees of the University of Alabama at Birmingham of all supplies, funds, books, documents, records and other property or effects of such University of Alabama at Birmingham.

Committee on Education.

By Mr. Taylor:

S. 259. To amend Section 22-18-2 of the Code of Alabama 1975 so as to exempt businesses or companies that provide free ambulance service to their employees from certain requirements in the operation of ambulances.

Committee on Health and Welfare.

By Mr. Taylor:

S. 260. To amend Section 25-4-51, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for the succession of and



by governmental entities; designate liability for resulting benefit cost and recovery of such costs from an abolished state agency and to provide for the modification of advance payment rates for governmental employers and the procedure for appealing an assigned or modified rate.

Committee on Business and Labor Relations.

By Mr. Taylor:

S. 261. To amend 25-2-12, Code of Alabama 1975, as last amended, relating to the Board of Appeals for the Alabama Department of Industrial Relations so as to provide for the appointment of additional alternate members and for the constitution of additional Boards during periods of high appeal workloads.

Committee on Business and Labor Relations.

By Mr. Taylor:

S. 262. To amend section 25-4-91, The Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, so as to permit a claim to be reopened and redetermined within two years after the end of the benefit year if the original determination was based upon false or misrepresented information.

Committee on Business and Labor Relations.

By Messrs. Taylor, Vacca and Bailey:

S. 263. To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members; and providing liability insurance protection for county officials, county employees and county property.

Committee on Business and Labor Relations.

By Messrs. Parsons, Proctor, Martin, Taylor, Bailey, Barron, Keener, Denton, Harrison, Teague, Robertson and Britnell:

S. 264. To amend Section 36-26-5 of the Code of Alabama 1975 relating to the state personnel board so as to further provide for the election of two state employees to the board.

Committee on Governmental Affairs.

By Mr. Vacca (with notice and proof):

S. 265. Relating to Jefferson County; providing further for the benefits and compensation of any mayor of a municipality in the county who serves as superintendent of certain utility systems that are owned by municipal corporations and providing for its retroactive effect.

Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 265, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hall:

S. 266. To amend further section 16-13-52, Code of Alabama 1975, relating to apportioning the school minimum program fund, so as to provide that the number of teacher units to be allowed shall be based on average daily membership rather than average daily attendance and one teacher unit shall be allowed for each 29.6 pupils enrolled.

Committee on Education.

By Mr. Hall:

S. 267. To prohibit any individual or state agency or entity from selling alcoholic beverages on an election day and to provide for criminal penalties for violating this section.

Committee on Governmental Affairs.

By Mr. Hall:

S. 268. To provide that only those qualified electors residing in the jurisdiction of a county school system may vote for members of the county board of education or superintendent of education.

Committee on Education.

By Mr. Parsons (with notice and proof):

S. 269. Relating to Jefferson County; pertaining further to the licensing for the sale of alcoholic beverages; providing that the municipal governing body shall have the authority to approve any license for the sale of alcoholic beverages within its corporate limits; and providing the county governing body shall have the authority to approve any license for the sale of alcoholic beverages to any establishment located within the county but outside the city limits of the municipalities.

Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 269, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Figures:

S. 270. To repeal Section 12-12-73 of the Code of Alabama (1975), which presently appears to require a supersedeas bond in order to appeal from District Court to Circuit Court and thereby obtain a trial by jury.

Committee on Judiciary.

By Mr. Figures:

S. 271. To amend Section 6-10-123 of the Code of Alabama 1975 to provide that for any waiver of exemption rights to be enforceable, the party asserting waiver must plead and, if controverted, prove to the reasonable satisfaction of the trier of fact that the party against whom waiver is asserted did so with actual knowledge of their exemption rights and of the existence of any provision for waiver contained in the instrument relied upon by the party asserting waiver, prior to his or her execution thereof.

Committee on Judiciary.

By Messrs. White, Martin, Lemaster, Callahan, Goodwin, Cook, Hall, Teague, Barron and Kirkland:

S. 272. To amend sections 15-19-1 through 15-19-4 and section 15-19-6 of the Code of Alabama of 1975; to set the age limits for youthful offender status as being between sixteen years old and less than nineteen years old; to prohibit a youth alleged to have committed a class A felony or previously convicted of a class A felony from eligibility as a youthful offender; to establish criteria to be used by the court in determining whether a youth should be classified and tried as a youthful offender; to specify facilities to be used for detaining a defendant eligible to be found a youthful offender; to provide that probation officers for the juvenile court make investigations as requested by the court; to provide that the trial of a youthful offender be conducted by the juvenile divisions of the district and circuit courts; to ensure the transfer of a defendant eligible to be found a youthful offender to juvenile court from other courts; to provide additional alternative dispositions for a defendant adjudged a youthful offender; to permit the court to impose such restitution as the court deems appropriate; and to provide that defendants on probation be placed under the supervision of the probation agency for the juvenile court.

Committee on Judiciary.

By Messrs. White, Martin, Lemaster, Callahan, Goodwin, Cook, Hall, Teague, Barron and Kirkland:

S. 273. To delete subsection (d) of section 26-1-1 of the Code of Alabama of 1975, which provides, in effect, that the change in the age of majority from "under the age of 21 years" to "under the age of 19 years" does not repeal any provision of chapter 19 of Title 15, the youthful offender provisions.

Committee on Judiciary.

By Messrs. White, Robertson, Martin, Lemaster, Callahan, Hall, Teague, Barron, McDonald, St. John and Kirkland:

S. 274. To amend Section 38-2-6 of the Code of Alabama 1975, as amended, relating to duties, powers and responsibilities of the state department of pensions and security so as to provide further for the administration of the food stamp program.

Committee on Health and Welfare.

By Messrs. White, Robertson, Martin, Lemaster, Callahan, Goodwin, Cook, Hall, Gullledge, Teague, Barron, St. John, Kirkland, Denton and Holmes:

S. 275. To amend Section 12-15-1 of the Code of Alabama 1975, relating to juvenile proceedings, so as to revise the age of juveniles.

Committee on Judiciary.

By Mr. Bailey:

S. 276. To amend Sections 27-8-1 through 27-8-9, 27-8-11 through 27-8-17, 27-8-20 through 27-8-22, and 27-8-26 through 27-8-28, Code of Alabama 1975, which provide for the licensing of life and disability insurance agents, brokers and representatives, so as to provide further for said licensing; to require educational instruction for new representatives; to

permit the licensing of partnerships and corporations; to establish a fee schedule for licenses; to provide further for revocation or suspension of licenses and the procedure thereof; and to further provide for the issuance of temporary and nonresident licenses.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 277. To amend Section 27-2-31 of the Code of Alabama 1975 so as to extend the immunity from civil liability of the commissioner of insurance for negligent acts on his part in performing his required and discretionary duties.

Committee on Banking and Insurance.

By Mr. Mitchem:

S. 278. To amend Section 8-17-85, Code of Alabama 1975, by raising annual permit fees from \$1.00 to \$10.00.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Mitchem:

S. 279. To amend Section 8-15-3, Code of Alabama 1975, relating to the filing fee for public warehouses; to amend Section 8-15-18, Code of Alabama 1975, relating to the requirement for fire and hazard insurance for all goods stored in public warehouses.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Callahan:

S. 280. To amend Title 16, Section 9, Subsection 11 of the Code of Alabama, 1975 so as to provide further for the filling of vacancies in local superintendent of education positions.

Committee on Education.

By Mr. Callahan (with notice and proof):

S. 281. Relating to Mobile County; to exempt Mobile County from the provisions of any Act of the 1981 Regular Session of the Alabama Legislature increasing the salaries of state troopers or any other employee of the Alabama Department of Public Safety.

Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 281, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Callahan:

S. 282. To authorize local boards of education to appoint an individual in the personnel department to accept resignations of employees.

Committee on Education.

By Mr. Gullledge:

S. 283. To amend sections 10-2A-70 and 17-22-3 of the Code of Alabama 1975 relating to campaign contributions by corporations, so as to remove certain prohibitive language relating to the type of contributions that may be made by certain political committees.

Committee on Governmental Affairs.

By Mr. Callahan:

S. 284. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Committee on Commerce, Transportation,  
and Utilities.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 16. CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 4. EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY UTILIZATION AND VALUE OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH CREATED BY ACT NO. 80-203, S. J. R. 105, of the 1980 REGULAR SESSION.

JOHN W. PEMBERTON,  
Clerk.

#### REPORTS OF COMMITTEES

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 55. To require all manufacturers and distributors of prescription drugs to provide for the identification of drug products in finished solid oral dosage form; to provide for an exemption in the case of hardship or for drugs compounded in a pharmacy; to provide for the disclosure of descriptive information; to provide for the adoption of rules; and to provide for an effective date.

By Messrs. Harrison, Robertson, Taylor, Holmes and Denton:

S. 157. To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain pre-school programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed.

By Mr. McDonald:

S. 163. To delete the requirement that physicians be certified in the sub-specialty of oncology to dispense cannabis under the Controlled Substances Therapeutic Research Act; to provide that the State Board of Medical Examiners may apply to contract with the National Institute of Drug Abuse for receipt of cannabis; to provide that the Board may formulate and promulgate such guidelines as are necessary for dispensing cannabis; and to provide that the Board may establish the rules and regulations requiring accurate reporting and accountability by each practitioner.

By Mr. McDonald:

S. 164. To authorize the investigators of the State Board of Medical Examiners to enforce the provisions of the Alabama Uniform Controlled Substances Act and to grant to such investigators the powers of peace officers in the performance of their duties.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bailey:

S. 24. To prescribe disclosure procedures for the selling of Medicare supplement insurance policies and to require specific standards for policy provisions to be included within said policies.

By Mr. St. John:

S. 48. To amend Section 27-29-2, Code of Alabama 1975 (as amended Act Number 80-199, Acts of Alabama 1980), which provides for investments in subsidiaries and affiliates of domestic insurance companies.

By Mr. St. John:

S. 68. To amend Sections 27-3-11, 27-6-3, 27-27-29 and 27-41-4, Code of Alabama 1975, to permit the use of clearing corporations and book-entry in connection with deposits and investments, and to permit the assets to be reflected on the books of clearing corporations and composed of book-entries.

By Mr. Bailey:

S. 231. To amend § 27-2-16, Code of Alabama, 1975, so as to repeal requirements that the Commissioner of Insurance publish an annual list of insurance agents and insurers and a booklet, annually, containing each and every question to be used in a written examination of applicants for license under Chapters 7 and 8 of the Insurance Code.

By Mr. Bailey:

S. 232. To prohibit the delivery or issuance for delivery in this state of any policy of burial insurance which provides benefits solely in the form of merchandise and services incident to the burial of the insured or which provides an alternative cash benefit in an amount less than the retail value of the merchandise and services stated in the policy; to specifically authorize the delivery or issuance for delivery in this state of insurance policies which provide benefits payable in funeral services and merchandise or in money in an amount equal to the retail value of such funeral services and merchandise; to specifically authorize the performance or the contracting for performance of any policy of burial insurance issued or outstanding prior to the effective date of this Act or any renewal or reinstatement thereof.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener (with notice and proof):

S. 3. Relating to Etowah County; to provide further for the compensation of election officers.

By Mr. Gullledge:

S. 7. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, which relates to the qualifications of county engineers, so as to provide further for the qualifications of the county engineer in certain counties of this state.

By Mr. Gullledge (with notice and proof):

S. 31. Relating to Baldwin County; providing for an increase in compensation for members of the board of registrars.

By Mr. Gullledge (with notice and proof):

S. 32. Relating to Baldwin County; providing for an additional allowance for election officials who work at polling places.

By Mr. Proctor (with notice and proof):

S. 101. Relating to Talladega County; to amend further Act No. 79-592, H. 948, 1979 Regular Session (Acts 1979, p. 1051), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to further provide for said financing by increasing the costs and charges of Court.

By Mr. Keener (with notice and proof):

S. 165. Relating to Etowah County; providing further for mileage allowance for returning officers; providing for the payments of such mileage to be made from funds in the county treasury not otherwise appropriated, or in the case of municipal elections, such payments shall be made from municipal funds by the municipal governing body.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 193. To give permanent status in the classified service under the Merit System Act to all persons employed under provisional appointments as Capitol Security Police Officers in the Department of Finance of the State of Alabama between the dates of June 13, 1979, and July 23, 1980, inclusive, who performed their duties satisfactorily during the period of their employment and to permit the director of finance to condition appointments made hereunder to the satisfactory completion of a six-month working test period and to make such appointments effective immediately after the completion of the working test period.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Keener (with notice and proof):

S. 110. Relating to Etowah County; setting the compensation of supernumerary district attorneys and providing for a supplement from the general funds of such county under certain circumstances.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Goodwin and Taylor:

S. 116. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

By Mr. Cook:

S. 150. To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for inter-governmental cooperation in the implementation of this Act.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Cook, Hall and Parsons (With Amendment):

S. 197. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and



To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 38. DENYING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

WHEREAS, the Judicial Compensation Commission has rendered its report to the 1981 Regular Session of the Legislature; and

WHEREAS, the State of Alabama and indeed the whole nation realizes that funds for the operation of state government in all branches are critically low; and

WHEREAS, it is the intent of the Legislature that the judiciary shall be accorded equal treatment with state employees and teachers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report of the Judicial Compensation Commission, created by Section 6.09 of Article VI of the Constitution of Alabama, filed and submitted to the Legislature on January 14, 1981, and the recommendations contained therein, are hereby denied.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 38, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Gafford and Biddle:

H. J. R. 19. MEMORIALIZING CONGRESS AND THE PRESIDENT TO NOTIFY ALL NATIONS THAT ANY FURTHER SEIZURES OF OUR EMBASSIES OR CITIZENS WILL BE TANTAMOUNT TO A DECLARATION OF WAR AGAINST THE UNITED STATES.

WHEREAS, this legislature and the citizens of this great state are overjoyed that the hostages formerly held by the Iranians are now safe; and

WHEREAS, this body does wish to memorialize the United States Congress and the President to declare that if any other nation seizes any of our embassies or our citizens and holds them hostage as was done in the case of Iran it will be considered as an immediate and instant declaration of war against this country and will be responded to in kind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do memorialize the Congress of the United States and the President of this nation to take such action as is necessary to declare and to notify all nations that any action on their part leading to the seizure of any United States embassy or any citizen or citizens of this country to be held hostage shall be considered as an act of war against the United States and that the United States will immediately reply to such act of war with all of its power and armed forces.

BE IT FURTHER RESOLVED That the Congress and the President be memorialized that this country should become prepared militarily to act as outlined above if any country is ever again so foolish as to take any of our citizens or embassies hostage.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each state legislature of the states of the union with the request that they consider passing similar resolutions.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 19, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

H. J. R. 49. REQUIRING STATE AGENCIES AND DEPARTMENTS TO REPORT TO THE LEGISLATURE ON THE AMOUNT OF MONIES SPENT ON PROFESSIONAL CONSULTING FEES.

WHEREAS, this Legislature has been called upon to take a careful look at all budgets submitted to them this year; and

WHEREAS, the funds available for appropriations to the various state agencies are severely limited for the current fiscal year; and

WHEREAS, the Legislature needs all facts and figures before considering this year's budget; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby orders and directs each state agency and department to file a written report with the Clerk of the House and the Secretary of the Senate on or before the 15th legislative day of the current regular session stating in detail the amount such agencies spend on any professional consulting fees whatsoever. Said statements shall show the amount of the fees, the name and address of the person or firm to whom paid, and shall list all such fees paid since the commencement of the 1979-80 fiscal year.

BE IT FURTHER RESOLVED, That the Clerk of the House shall send copies of this resolution to all state agencies and departments.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 49, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Penry and McMillan:

H. J. R. 33. Commending Julio Corte, Jr., Baldwin County, Cattleman of the Year.

Also:

By Rep. Patton:

H. J. R. 34. HONORING THE CUB SCOUTS OF AMERICA PROGRAM.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Gulledge, the Rules were suspended and the Resolution, H. J. R. 33, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Bailey, the Rules were suspended and the Resolution, H. J. R. 34, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Mitchell:

H. J. R. 40. CONGRATULATING AND COMMENDING GORDO HIGH SCHOOL, CLASS 2A STATE FOOTBALL CHAMPIONS.

Also:

By Rep. Smith (C):

H. J. R. 41. COMMENDING JAMES ALTON LECROY OF CHILTON COUNTY AS THE ALABAMA PETROLEUM COUNCIL'S TROOPER OF THE YEAR.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 40, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H. J. R. 41, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Grouby:

H. J. R. 43. CONGRATULATING MISS KIM GILLILAND, ALABAMA'S 1981 JUNIOR MISS.

Also:

By Rep. Minus:

H. J. R. 44. MOURNING THE UNTIMELY AND TRAGIC DEATH OF MRS. MERRELL LOLLY RICHMOND.

Also:

By Rep. Minus:

H. J. R. 45. COMMENDING MR. AUBREY D. GREEN FOR OUTSTANDING SERVICE TO THE ALABAMA STATE COUNCIL ON THE ARTS AND HUMANITIES.

Also:

By Reps. Zoghby, Clark (W), McCorquodale:

H. J. R. 47. MOURNING THE DEATH OF MR. GEORGE KALEEL ZOGHBY.

Also:

By Rep. Minus:

H. J. R. 51. MOURNING THE DEATH OF MR. TILLMAN J. WRIGHT, PROMINENT BUTLER, ALABAMA BUSINESSMAN AND CIVIC LEADER.

Also:

By Rep. Minus:

H. J. R. 52. RECOGNIZING THE ACCOMPLISHMENTS OF THE BALLET AND THEATRE PERFORMING COMPANIES.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Taylor, the Rules were suspended and the Resolution, H. J. R. 43, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 44, 45, 51, and 52, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Mr. Figures, the Rules were suspended and the Resolution, H. J. R. 47, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### RESOLUTIONS

Mr. Barron offered the following Senate Joint Resolution, to-wit:

**S. J. R. 37. INVITING THE HONORABLE JOE FOSS, FORMER GOVERNOR OF THE STATE OF SOUTH DAKOTA, TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.**

WHEREAS, the Legislature of Alabama has learned of the impending visit to the State of Alabama of The Honorable Joe Foss, former Governor of the State of South Dakota and Brigadier General and Chief of Staff (Retired) of the South Dakota Air National Guard; and

WHEREAS, we are most highly honored by Governor Foss' visit to our state and further are most pleased that his stay in Alabama occurs during this 1981 Session of the Legislature; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we most respectfully request The Honorable Joe Foss, a distinguished South Dakota citizen and recipient of the Congressional Medal of Honor, to address a Joint Session of the Alabama Legislature on February 19, 1981.

**BE IT FURTHER RESOLVED,** That by copy of this resolution, Governor Foss be advised of our cordial invitation and that we eagerly anticipate his acceptance.

On motion of Mr. Barron, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Little and Higginbotham offered the following Senate Joint Resolution, to-wit:

**S. J. R. 38. HONORING MR. TYRE C. WEAVER, JR., FOR DISTINGUISHED PUBLIC SERVICE.**

WHEREAS, the Legislature of Alabama has noted the September 30, 1980, retirement of Chambers County Tax Collector Tyre C. Weaver, Jr., following a long and distinguished career in public service; and

WHEREAS, following his first election, Mr. Weaver was decisively returned to office, time and time again, to serve prestigiously in said capacity for some 31 years until his recent retirement for reasons of ill health; and

WHEREAS, in further service to the citizens of Chambers County, Tyre Weaver has been chairman of the Salvation Army for 25 years and co-chairman of the Chambers County Chapter of the American Cancer Society for more than two decades; he also is a past president of both the Rotary and Kiwanis Clubs and has been associated with 4-H Clubs and Future Farmers of America as well as the LaFayette Quarterback Club; and

WHEREAS, he is a United States Army veteran, distinguished through valor and sacrifice, having lost an arm when he was shot while on a bombing mission over Germany during World War II; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we extend deep appreciation to Mr. Tyre C. Weaver, Jr., for outstanding service as Chambers County Tax

Collector for thirty-one years; in further commendation we also note his long and honorable record of community service to the citizens of Chambers County and direct that he receive a copy of this resolution as evidence of our high regard.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

**S. J. R. 39. DENYING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.**

WHEREAS, the Judicial Compensation Commission has rendered its report to the 1981 Regular Session of the Legislature; and

WHEREAS, the State of Alabama and indeed the whole nation realizes that funds for the operation of state government in all branches are critically low; and

WHEREAS, it is the intent of the Legislature that the judiciary shall be accorded equal treatment with state employees and teachers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report of the Judicial Compensation Commission, created by Section 6.09 of Article VI of the Constitution of Alabama, filed and submitted to the Legislature on January 14, 1981, and the recommendations contained therein, are hereby denied.

Which was read and referred to the Standing Committee on Rules.

Mr. White offered the following Senate Joint Resolution, to-wit:

**S. J. R. 40. CALLING FOR IMPLEMENTATIONS OF INTERIM COMMITTEE ON MEDICAID RECOMMENDATION.**

WHEREAS, Medicaid (formerly Medical Services Administration), the agency designated by the Governor of the State of Alabama to administer Title XIX (Medicaid) benefits in the State of Alabama, has limited inpatient hospitalization for all Medicaid beneficiaries to fifteen plus five days, and

WHEREAS, this limitation fails to provide essential care for neonatals in high risk nurseries as well as children below the age of twenty-one years who have undergone federally mandated screening for diagnosis and treatment, and

WHEREAS, the current limitation on inpatient hospital care denies all Medicaid beneficiaries with catastrophic illnesses the essential days of care required for their treatment, and

WHEREAS, it is the intent of the Alabama Legislature that essential care be provided all Medicaid beneficiaries, and

WHEREAS, it is especially cost effective to provide essential care for beneficiaries below the age of twenty-one years, and

WHEREAS, inpatient hospital stays are monitored for appropriateness by the state's professional standards review organization to assure Medical Services Administration that the costs of care were in fact necessary, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, calls upon the Commissioner of Medicaid to amend the State Plan to provide inpatient hospital benefits necessary to accommodate essential needs of Medicaid beneficiaries and be it further

RESOLVED: That the Legislature of the State of Alabama, both Houses concurring, submits that the "Louisiana Plan," as it relates to those under the age of twenty-one, and appropriately accommodates the needs of Medicaid recipients whose illnesses require long term hospitalization.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

### BILLS ON THIRD READING

The Bill:

S. 1. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Proctor
Bailey	Glass	Kirkland	Robertson
Barron	Goodwin	Lemaster	St. John
Britnell	Gulledge	Little	Smith
Callahan	Hall	Martin	Taylor
Cook	Harrison	McDonald	Teague
deGraffenried	Hilliard	Miller	Vacca
Denton	Holmes	Pearson	White

—31

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Manley and Pegues (with notice and proof):

H. 86. Relating to Marengo County; authorizing the county commission to increase the mileage allowance of the county coroner and providing for its retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 86, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Campbell (with notice and proof):

H. 109. Relating to Calhoun County; to levy a privilege or license tax upon the sale, distribution or storage of beer; to fix the amount or rate of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 109, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 137. Relating to Sumter County; prescribing certain limitations on procedures for extending the corporate limits and boundaries of incorporated municipalities in said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 137, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 138. Relating to Choctaw County; to provide for the replacement of casings in certain wells located in the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 138, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 139. Relating to Sumter County; to provide for the replacement of casings in certain wells located in the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 139, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 140. Relating to Sumter County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 140, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.



Also:

By Rep. Gilmer (with notice and proof):

H. 172. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Glen Allen, in Fayette County.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 172, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Gilmer (with notice and proof):

H. 173. Relating to Lamar County; to provide further for the compensation of certain election officers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 173, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 251. Relating to St. Clair County; to further amend sections 3 and 9 of Act No. 243, H. 509, of the Regular Session of 1979 relating to a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board and who shall have the authority to suspend an employee for certain reasons.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 251, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 252. Relating to St. Clair County; to provide for additional per diem payments to each member of the Board of Equalization.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 252, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 253. Relating to St. Clair County; amending Act No. 80-520, H. 1057, 1980 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to limit the mileage allowance to only the returning officer.

REGULAR SESSION  
3rd Day

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 253, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hammett (with notice and proof):

H. 268. Relating to Covington County; providing for an additional expense allowance for the members of the board of registrars of said county and providing for its retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 268, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hammett (with notice and proof):

H. 269. Relating to Covington County; to legalize the sale of draft or keg beer or malt beverages.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 269, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 86, 109, 137, 138, 139, 140, 172, 173, 251, 252, 253, 268 and 269. To the Committee on Local Legislation No. 1.

COMMITTEE REPORTS FILED

Pursuant to the provisions of Act No. 79-752, the report of the Joint Continuing Committee to study the Tax Structure of the State of Alabama was filed with the Secretary.

Pursuant to the provisions of Act No. 80-312, the report of the Joint Interim Committee to study Juvenile Justice was filed with the Secretary.

Pursuant to the provisions of Act No. 84, Regular Session 1976, the report of the Joint Prison Committee was filed with the Secretary.

Pursuant to the provisions of Act No. 80-245, the report of the Joint Interim Committee on Unemployment Compensation was filed with the Secretary.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 42. To require that children under the age of five use a passenger restraint system in certain instances; to provide penalties for violation of the act.

was taken up.

Mr. Keener moved that further consideration of the Bill, S. B. 42, be postponed until the Sixth Legislative Day, which motion was lost.

Yeas 14; Nays 16.

*Yeas:*

Messrs.:	Harrison	Kirkland	St. John	
deGraffenried	Higginbotham	Lemaster	Smith	
Denton	Holmes	Martin	Teague	
Gulledge	Keener	McDonald		—14

*Nays:*

Messrs.:	Goodwin	Miller	Robertson	
Bailey	Hall	Parsons	Taylor	
Barron	Hilliard	Pearson	Vacca	
Callahan	Little	Proctor	White	
Figures				—16

On motion of Mr. Vacca, further consideration of the Bill, S. B. 42, was postponed until the Fifth Legislative Day.

The Bill:

S. 27. To provide for a durable power of attorney that may survive incompetency or until actual knowledge of death of the principal.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 27, to-wit:

## COMMITTEE SUBSTITUTE FOR S. B. 27

A BILL  
TO BE ENTITLED  
AN ACT

To provide for a durable power of attorney that may survive disability, incompetency, or incapacity or until actual knowledge of death of the principal.

Be It Enacted by the Legislature of Alabama:

Section 1. A durable power of attorney is a power of attorney by which a principal designates another his attorney in fact or agent in writing and the writing contains the words "This power of attorney shall not be affected by disability, incompetency, or incapacity of the principal," or "This power of

attorney shall become effective upon the disability, incompetency, or incapacity of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's subsequent disability, incompetency, or incapacity.

Section 2. All acts done by an attorney in fact pursuant to a durable power of attorney during any period of disability, incompetency, or incapacity of the principal have the same effect and inure to the benefit of and bind the principal and his successors in interest as if the principal were competent, not disabled and not incapacitated.

Section 3. (a) If, following execution of a durable power of attorney, a court of the principal's domicile appoints a guardian, curator, or other fiduciary charged with the management of all the principal's property or all of his property except specified exclusions, the attorney in fact is accountable to the fiduciary as well as to the principal. The fiduciary has the same power to revoke or amend the power of attorney that the principal would have had if he were not disabled, incompetent, or incapacitated.

(b) A principal may nominate, by a durable power of attorney, the guardian, curator, or other fiduciary for consideration by the court if proceedings to appoint a fiduciary for the principal are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification.

Section 4. (a) The death of a principal who has executed a written power of attorney, durable or otherwise, does not revoke or terminate the agency as to the attorney in fact or other person, who, without actual knowledge of the death of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the successors in interest of the principal.

(b) The disability, incompetency, or incapacity of a principal, who has previously executed a written power of attorney that is not a durable power, does not revoke or terminate the agency as to the attorney in fact or other person, who, without actual knowledge of the disability, incompetency, or incapacity of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or enforceable, binds the principal and his successors in interest.

Section 5. As to acts undertaken in good faith reliance thereon, an affidavit executed by the attorney in fact under a power of attorney, durable or otherwise, stating that he did not have, at the time of the exercise of the power, actual knowledge of the termination of the power by revocation or of the principal's death, disability, incompetency, or incapacity is conclusive proof of the nonrevocation or nontermination of the power at that time. If the exercise of the power of attorney requires execution and delivery of any instrument that is recordable, the affidavit when authenticated for record is likewise recordable. This section shall not affect any provision in a power of attorney for its termination by expiration of time or occurrence of an event other than express revocation or a change in the principal's capacity.

Section 6. If any provision of this Act or its application to any person or circumstances is held invalid or unconstitutional, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 7. This Act shall take effect upon its passage by the Legislature and its approval by the Governor, or upon its otherwise becoming law.

The Standing Committee on Judiciary then reported the following amendment to the substitute for the Bill, S. B. 27, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 27

Amend substitute for Senate Bill No. 27, on Page 3, Line 6, by striking out the words "in conclusive proof of the" and inserting in lieu thereof the following: "shall create a rebuttable presumption of the".

On motion of Mr. Keener, said amendment was laid on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cates:

H. 11. To amend §40-18-74, Code of Alabama 1975, to require certain employers to remit to the Department of Revenue on a monthly basis the amount of income tax required to be deducted and withheld from the wages of their employees.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 11. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 6. Mourning the death of Joseph Charles McCorquodale, Sr., distinguished citizen and prominent Clarke Countian.

Also:

H. J. R. 7. Commending Miss Paige Phillips, Miss Alabama and first alternate to Miss America, 1981.

Also:

H. J. R. 8. Cordially requesting Miss Paige Phillips of Leeds, Alabama, to appear in performance for the Alabama Legislature.

Also:

H. J. R. 11. Commending the Alabama Cattlemen's Association.

Also:

H. J. R. 16. Commending Wayne Spradley of Pell City, Alabama, on his outstanding artistic accomplishments.

Also:

H. J. R. 17. Continuing the Legislative Joint Interim Educational Institutions Study Committee.

Also:

H. J. R. 18. Mourning the death of Edward Gingles.

Also:

H. J. R. 21. HONORING CLARANCE R. MYRICK, PROMINENT CLARKE COUNTY CIVIC AND POLITICAL LEADER.

Also:

H. J. R. 22. EXTENDING BEST WISHES OF THE LEGISLATURE TO MR. AND MRS. WILLIAM VAUGHN LEWIS OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 23. NAMING HIGHWAY 144 IN SAINT CLAIR COUNTY, ALABAMA, THE "POP DICKINSON HIGHWAY."

Also:

H. J. R. 25. HONORING PAUL WESTERFIELD BRUNSON UPON HIS RETIREMENT AS JUDGE OF THE DISTRICT COURT OF MOBILE COUNTY.

Also:

H. J. R. 27. REQUESTING THE GOVERNOR TO ESTABLISH A TASK FORCE FOR THE PURPOSE OF FORMULATING RECOMMENDATIONS FOR THE USE OF EXISTING RESOURCES TO REDUCE INAPPROPRIATE TEENAGE PREGNANCIES IN ALABAMA.

Also:

H. J. R. 28. CALL FOR AN INVESTIGATION BY THE OFFICE OF MANAGEMENT AND BUDGET INTO THE COST EFFECTIVENESS OF HSA'S.

Also:

H. J. R. 30. HONORING COMMUNITY EDUCATION.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF S. B. 27

The Senate proceeded to further consideration of the Bill, S. B. 27. The question was on the Committee substitute.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 25. HONORING MR. TRAVIS FAIR UPON HIS RETIREMENT AS PICKENS COUNTY COMMISSIONER.

Also:

S. J. R. 27. MOURNING THE DEATH OF DR. PHILLIP MASON OF HUNTSVILLE, ALABAMA.

Also:

S. J. R. 28. MOURNING THE DEATH OF MRS. PAULINE MYRA JONES GANDRUD.

Also:

S. J. R. 30. MOURNING THE DEATH OF COACH JAMES RALPH JORDAN OF AUBURN UNIVERSITY.

Also:

S. J. R. 31. MOURNING THE DEATH OF DEAN KATHARINE COOPER CATER OF AUBURN UNIVERSITY.

Also:

S. J. R. 32. HONORING MR. JAMES FRANKLIN GLASGOW OF ALABASTER, SHELBY COUNTY, ALABAMA.

Also:

S. J. R. 33. EXTENDING OUR GOOD WISHES FOR AN EARLY RECOVERY FOR MRS. BETTY NELL LETSON.

JOHN W. PEMBERTON,  
Clerk.

## FURTHER CONSIDERATION OF S. B. 27

The Senate proceeded to further consideration of the Bill, S. B. 27. The question was on the Committee substitute.

On motion of Mr. Callahan, further consideration of the Bill, S. B. 27, and pending substitute, was postponed until the next Legislative Day as Unfinished Business.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Sandusky, Manley, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, McMillan, Minus, Moore, Namore, Olive, Parker, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 48. NAMING THE LAKE NOW KNOWN AS BIBB COUNTY LAKE THE "WALTER OWENS LAKE."

WHEREAS, our highly respected colleague, Roy Walter Owens, has served in the Alabama Legislature for 15 years; and

WHEREAS, Walter Owens has diligently represented his constituents of Bibb County for four terms in the House of Representatives; and

WHEREAS, Representative Walter Owens has rendered great service to the state and its citizens as Chairman of the House Ways and Means Committee; and

WHEREAS, our friend Walter Owens was the one person most instrumental in providing for the planning, development and construction of the Bibb County Lake, which is soon to be officially opened; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude to our friend whom we have long admired and respected, this body hereby names and designates the lake now called Bibb County Lake as "The Walter Owens Lake."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized and directed to erect and maintain appropriate signs and markers so designating said lake.

RESOLVED FURTHER, That a copy of this resolution be presented to Representative Owens as a memento of this honorary designation.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 48, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Adams (C):

H. 59. To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery



and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Management Surplus Reserve Account; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 59. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Pegues, Manley, Cosby, Hammett, Dial and Whatley:

H. 69. To amend extensively the "Sunset Act of 1976", in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or non-enumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 69. To the Committee on Governmental Affairs.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Real Estate Commission.

Respectfully submitted,

BOB A DAVIS,  
State Administrations Officer.

Done this 10th day of February, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Frank Parquette, Montgomery, Alabama, replacing W. M. Tonsmeire, for the term ending September 30, 1985, to the Alabama Real Estate Commission.

Respectfully,

FOB JAMES,  
Governor.

Done this 10th day of February, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 4:10 P. M., on motion of Mr. Callahan, in accordance with Joint Resolution heretofore adopted and pending further consideration of the Bill, S. B. 27, the Senate adjourned until Thursday, February 12, 1981, at 11 o'clock A. M.

FOURTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 12, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Steve Brunson, Minister of Youth Education, Evangel Temple, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Higginbotham for today.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 4. EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY UTILIZATION AND VALUE OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH CREATED BY ACT NO. 80-203, S. J. R. 105, of the 1980 REGULAR SESSION.

Also:

S. J. R. 16. CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 25. HONORING MR. TRAVIS FAIR UPON HIS RETIREMENT AS PICKENS COUNTY COMMISSIONER.

Also:

S. J. R. 27. MOURNING THE DEATH OF DR. PHILLIP MASON OF HUNTSVILLE, ALABAMA.

Also:

S. J. R. 28. MOURNING THE DEATH OF MRS. PAULINE MYRA JONES GANDRUD.

Also:

S. J. R. 30. MOURNING THE DEATH OF COACH JAMES RALPH JORDAN OF AUBURN UNIVERSITY.

Also:

S. J. R. 31. MOURNING THE DEATH OF DEAN KATHARINE COOPER CATER OF AUBURN UNIVERSITY.

Also:

S. J. R. 32. HONORING MR. JAMES FRANKLIN GLASGOW OF ALABASTER, SHELBY COUNTY, ALABAMA.

Also:

S. J. R. 33. EXTENDING OUR GOOD WISHES FOR AN EARLY RECOVERY FOR MRS. BETTY NELL LETSON.

ALBERT McDONALD,  
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Robertson:

S. 285. To amend Code of Alabama 1975, Section 36-27-16, which relates to the Employees' Retirement System, amending said section so as to provide that any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days, nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided that the said member shall have completed the age and service requirements established by the board of control for eligibility for deferred benefits. To provide that the board of control shall establish said age and service requirements; and that from time to time, said requirements for the minimum years of creditable service shall not be less than 10 years nor more than 25 years.

Committee on Finance and Taxation.

By Messrs. Robertson and White:

S. 286. To remove the distribution of any state sales tax proceeds to the Department of Pensions and Security.

Committee on Finance and Taxation.

By Mr. Glass:

S. 287. To Amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

Committee on Judiciary.

By Mr. Barron:

S. 288. To provide that fees may be charged and collected from time to time for the privilege of obtaining or using a credit card, or other open end credit plan, that entitles the user (a) to purchase or lease goods or services from at least 25 persons, or (b) to obtain loans or other extensions of credit from time to time from one or more persons, or (c) to do both; to provide that such fees shall not constitute finance charges or interest for any purpose; to provide that the provisions of this act are cumulative and are not in derogation of other rights; and to provide for severability, the repeal of conflicting laws or parts of laws and for the effective date of this act.

Committee on Banking and Insurance.

By Mr. Figures:

S. 289. To require municipal corporations or any subdivision of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the course of their employment, and to authorize the obtaining of liability insurance to cover such employees.

Committee on Judiciary.

By Mr. Mitchem:

S. 290. To amend Section 9-2-7, Code of Alabama 1975, which provides for powers and duties of the Commissioner of Conservation as to game, fish and seafood generally, so as to empower the commissioner to issue no more than 25 special permits for the purpose of promoting Alabama's outdoor recreation.

Committee on Agriculture, Conservation, and Forestry.

By Mr. deGraffenried:

S. 291. To provide for the confidentiality of all written materials and activities concerning the accreditation, quality assurance, or similar function of any hospital, clinic, or medical staff.

Committee on Health and Welfare.

By Mr. Weeks:

S. 292. To amend Section 27-15-11, Code of Alabama, 1975, which relates to the reinstatement of lapsed life insurance policies, so as to make the maximum interest rate on amounts of overdue premiums and other indebtedness to the insurer, payable upon reinstatement, the same as the interest rate on policy loans as specified in the policy in accordance with Section 27-15-8, Code of Alabama, 1975.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 293. To provide procedures for the expenditure of funds appropriated to replace fees and place restrictions on the collection of fees and fund-raising activities in public elementary and secondary schools.

Committee on Finance and Taxation.

By Messrs. Lemaster and Taylor:

S. 294. To prevent a public hospital from granting extra compensation to any officer or employee of the hospital or any contractor from receiving extra compensation after a service has been rendered or a contract made and to prevent an increase or decrease of compensation of officers during a term of office; nor shall a public hospital have authority to lend its credit or grant public money or thing of value to any individual, association, corporation, official, or employee.

Committee on Health and Welfare.

By Mr. Mitchem:

S. 295. To make further appropriations of state funds for the fiscal year ending September 30, 1981.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 296. To provide for the appointment of the director of the state parks division by the Advisory Board of the Department of Conservation and Natural Resources.

Committee on Agriculture, Conservation, and Forestry.

By Mr. Pearson:

S. 297. To further amend Section 40-23-5 of the Code of Alabama 1975, so as to make further exemptions from state, county or municipal taxes for all Goodwill Industries wherever located in Birmingham, Alabama.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 298. To prescribe that all state agencies, not a part of or connected by law with the legislative or judicial branches of state government, shall be bound by and adhere to any official opinion of the state attorney general relative to the operation of state government or interpreting statutes or laws, until later superseded, repealed, modified, or overruled by the state attorney general or court of competent jurisdiction.

Committee on Judiciary.

By Mr. St. John:

S. 299. To amend Section 11-50-15, Code of Alabama, 1975, to authorize an increase in the fees paid to directors of public corporations operating water systems, gas systems, electric systems or combinations of such systems; establishing an effective date.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Hilliard (with notice and proof):

S. 300. To repeal Act No. 707 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, pp. 1249 and 1250).

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 300, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Mitchem:

S. 301. To prohibit the transfer of title or interest in real property to or from any state department, agency, board or institution unless it shows on the face of the deed or other document effecting such transfer that it has been recorded in the office of the land agent, Department of Conservation and Natural Resources.

Committee on Agriculture, Conservation, and Forestry.

By Messrs. Martin and Britnell:

S. 302. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

Committee on Education.

By Mr. Britnell:

S. 303. To amend Section 32-6-1 of the Code of Alabama 1975, relating to drivers' licenses and the renewal of such licenses, so as to prescribe that the department of public safety shall mail renewal notices to each licensee at least thirty days prior to the expiration date.

Committee on Judiciary.

By Mr. Britnell:

S. 304. To amend Section 6-5-332, Code of Alabama 1975, which exempts from civil liability certain persons who render emergency care at accidents; and to include persons who provide assistance to police or other agencies in responding to emergencies involving liquefied petroleum gas.

Committee on Judiciary.

By Mr. Kirkland:

S. 305. To limit the liability of landowners toward persons who may be upon those lands that the owners have made available for non-commercial outdoor recreational purposes.

Committee on Judiciary.

By Mr. Denton:

S. 306. To amend Section 40-6-1 which pertains to supernumerary tax collectors, tax assessors and license commissioners, so as to authorize credit for time served as a chief deputy sheriff.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 307. To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that partial and final payment to contractors on school building construction shall be made as provided on Public Work projects.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Callahan:

S. 308. To amend Section 37-2-1, Code of Alabama 1975 relating to defining the term "transportation company."

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Callahan:

S. 309. To amend Section 2-21-24, Code of Alabama 1975, regarding collection of inspection fees by distributors of commercial feed; to allow the State Board of Agriculture and Industries to set the inspection fee at an amount no greater than \$.50 per ton.

Committee on Finance and Taxation.



By Mr. Parsons:

S. 310. To provide for health insurance claim forms; requiring the State Insurance Commissioner to prescribe standard health insurance claim forms to be used by hospitals; requiring acceptance of such forms by insurers doing business in the State of Alabama; requiring the use of such forms by those agencies of the state which pay providers of health care for hospital and physicians' services.

Committee on Health and Welfare.

By Mr. Hilliard:

S. 311. To limit the liability of certain persons and organizations that donate and distribute food free of charge.

Committee on Judiciary.

### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

#### H. J. R. 38. DENYING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	St. John	
Barron	Hall	Martin	Smith	
Britnell	Harrison	McDonald	Taylor	
Callahan	Hilliard	Miller	Teague	
deGraffenried	Holmes	Mitchem	Vacca	
Denton	Keener	Parsons	Weeks	
Glass	Kirkland	Proctor	White	
Goodwin	Lemaster	Robertson		—30

*Nays:*

—0

### BILL RE-REFERRED

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following Bill, S. B. 246, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 246, re-referred to the Standing Committee on Banking and Insurance.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 41. RESOLVED BY THE SENATE That the following bill shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fourth legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 193	27	Capitol Guards

On motion of Mr. McDonald, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 33. Commending Julio Corte, Jr., Baldwin County, Cattleman of the Year.

Also:

H. J. R. 34. HONORING THE CUB SCOUTS OF AMERICA PROGRAM.

Also:

H. J. R. 41. COMMENDING JAMES ALTON LECROY OF CHILTON COUNTY AS THE ALABAMA PETROLEUM COUNCIL'S TROOPER OF THE YEAR.

Also:

H. J. R. 43. CONGRATULATING MISS KIM GILLILAND, ALABAMA'S 1981 JUNIOR MISS.

Also:

H. J. R. 44. MOURNING THE UNTIMELY AND TRAGIC DEATH OF MRS. MERRELL LOLLY RICHMOND.

Also:

H. J. R. 45. COMMENDING MR. AUBREY D. GREEN FOR OUTSTANDING SERVICE TO THE ALABAMA STATE COUNCIL ON THE ARTS AND HUMANITIES.

Also:

H. J. R. 47. MOURNING THE DEATH OF MR. GEORGE KALEEL ZOGHBY.

Also:

H. J. R. 51. MOURNING THE DEATH OF MR. TILLMAN J. WRIGHT, PROMINENT BUTLER, ALABAMA BUSINESSMAN AND CIVIC LEADER.

Also:

H. J. R. 52. RECOGNIZING THE ACCOMPLISHMENTS OF THE BALLET AND THEATRE PERFORMING COMPANIES.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 48. NAMING THE LAKE NOW KNOWN AS BIBB COUNTY LAKE THE "WALTER OWENS LAKE."

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sasser:

H. 9. To provide increased criminal penalties and to remove juvenile offender status for certain persons convicted of committing certain crimes against elderly citizens the blind and other severely physically handicapped and mentally handicapped.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 9. To the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Ford and Drinkard:

H. J. R. 50. DESIGNATING THE SQUARE DANCE AS THE AMERICAN FOLK DANCE OF THE STATE OF ALABAMA.

WHEREAS, love of state and professions is enhanced by traditions that have become a part of our way of life and the customs of the American people; and

WHEREAS, we have distinctive and meaningful symbols of our ideals in our state's flag and in many cultural endeavors, but no official designation of a State Folk Dance; and

WHEREAS, the Square Dance, which was first associated with the American people and recorded in history since 1651, has consistently been the one dance recognized by the American people as a dignified and enjoyable expression of American folk dancing; and

WHEREAS, official recognition of the Square Dance will enhance the cultural stature of Alabama both nationally and internationally; and

WHEREAS, national and international prestige is in the best interest of all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the dance known as the Square Dance is designated the American Folk Dance of the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Keener, the Rules were suspended and the Resolution, H. J. R. 50, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Ford, Drinkard, Harvey and Adams (H):

H. J. R. 55. NAMING THE ARMY NATIONAL GUARD ARMORY, LOCATED AT THE INTERSECTION OF AIRPORT AND STEEL STATION ROADS IN GADSDEN, ETOWAH COUNTY, ALABAMA, THE "CLARENCE F. RHEA ARMORY."

WHEREAS, a native of Attalla in Etowah County, Alabama, Clarence F. Rhea is a graduate of the University of Alabama with a B. S. Degree awarded in 1943 and of the University of Virginia with an LL. B. Degree in 1948; and

WHEREAS, he was admitted to the Alabama Bar, also in 1948, and is the senior partner in the firm of Rhea, Boyd and Rhea; he is a member and past president of the Etowah County Bar Association, a member of the Alabama and American Bar Associations, Alabama Trial Lawyers Association and the Association of Trial Lawyers; and

WHEREAS, a member of the First United Methodist Church, Mr. Rhea also is a former District Lay Leader for the Gadsden District and is presently Conference Lay Leader of North Alabama Conference United Methodist Church; he is a Mason and a Shriner, member and past president of the

Gadsden Civitan Club, a member of the Board of Directors of the Boys' Club of Etowah County and the United Givers Fund, serves on the Salvation Army Advisory Board, and is Chairman of the Heritage and Preservation Commission of Gadsden and Etowah Counties; and

WHEREAS, Clarence Rhea served for five years on active military duty, including service in Germany during World War II, and with the 31st "Dixie Division" during the Korean Conflict; he attained the rank of Brigadier General in the Alabama National Guard in 1975 and was serving as Commander of the 31st Armored Brigade at the time of his retirement from the Alabama Guard in 1980; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Army National Guard Armory, located at the intersection of Airport and Steel Station Roads in Gadsden, Etowah County, Alabama, the "Clarence F. Rhea Armory."

BE IT FURTHER RESOLVED, That the Armory Commission is hereby directed to cause appropriate signs and markers to be erected and maintained in so designating said National Guard Armory.

RESOLVED FURTHER, That General Rhea receive a copy of this resolution as a memento of this honorary designation in appreciation of both his long and honorable military service and active involvement in his community's affairs.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Keener, the Rules were suspended and the Resolution, H. J. R. 55, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 58. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held in the House Chamber at 2:00 p. m. on Tuesday, February 17, 1981, for the purpose of hearing the presentation by the Governor and his consultants on the Retirement Systems of Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 58, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 61. EXPRESSING GRATITUDE TO THE ALABAMA JOURNAL FOR ITS SUGGESTIONS REGARDING POSSIBLE SOURCES OF ADDITIONAL STATE REVENUE.

WHEREAS, in commendation, the Alabama Legislature has noted recent editorial comments of the Alabama Journal pointing out to the citizenry of this state numerous "unfair escape hatches" in the application of our present sales tax laws; and

WHEREAS, even in light of this body's reluctance, and that of the Governor, to levy any new taxes to ease the financial crises we now face, the Journal, in sagacity, suggests that the state merely apply present tax laws fairly to all goods, supplies, equipment and services; and

WHEREAS, specifically mentioned, for example, are \$2-plus million by taxing vending machine sales at the regular four percent rate instead of three; \$24 million from sales tax applied to barber and beauty shop services, laundry and cleaning and repairs to tangible property; millions more by raising sales tax on automobiles; millions also are to be had from coal and coke, ship fuel and supplies, etc., etc., ad infinitum; and

WHEREAS, in our gratitude to our Capital City's illustrious Journal, we hesitate but are compelled to also editorially comment that someone in his Washington Avenue office has somehow overlooked the escape hatch for newspaper advertising, the sale of which is now and has always been completely and totally exempt from any sales tax whatsoever; in the Journal's own words, more "millions to be had" should of course, in all fairness, include this lucrative source; and

WHEREAS, further, we would suggest that the editorial page editor of the Alabama Journal publish this resolution on that same page so that readers might also be aware of this surely unintentional oversight; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grateful to the editors of the Alabama Journal for their advice and we assume there would be no objection to taxation of newspaper advertising sales, as the equal application of present sales tax laws suggested by the Journal would naturally necessitate removal of the present exemption.

RESOLVED FURTHER, That a copy of this resolution be sent to the Alabama Journal for the earliest possible publication.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 61, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McCorquodale:

H. J. R. 63. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following proposed Rule Change be adopted:

The Joint Rules of the House and Senate are hereby amended by adding the following Rule:

Substitutes and Amendments to bills and resolutions, that are introduced and defeated, need not be set out in full in the Journal of the two houses but shall be referred to by vote and by contents.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 63, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Stout and Rains:

H. J. R. 60. COMMENDING THE COUNTRY MUSIC GROUP, ALABAMA BAND.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Lemaster, the Rules were suspended and the Resolution, H. J. R. 60, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## REPORTS OF COMMITTEES

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. St. John, Mitchem, deGraffenried, Robertson, Smith, Taylor, Goodwin, Kirkland, Bailey, Hall, Martin, Lemaster, Barron, White, McDonald, Denton and Glass:

S. 241. To define capital offenses; to provide for a sentence of life

imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for appellate review of convictions and sentences in cases in which defendants are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions for use in cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary re-interpreted; to provide for severability; to specify the way the act is to be applied if the death penalty provisions of it are declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, § 13-11-1 through § 13-11-9, also codified as § 13A-5-30 through § 13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Martin (With Amendment):

S. 183. To amend further Sections 11-46-21, 11-46-22, 11-46-25, 11-46-27, 11-46-28, 11-46-36, 11-46-38, 11-46-41 and 11-46-55, Code of Alabama 1975, which Sections relate to election procedures in cities and towns of this state which have a population of 300,000 inhabitants or less, except cities and towns organized under a commission form of government, so as to improve and clarify such election procedures.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 155. To amend Sections 11-48-48 and 11-48-49, Code of Alabama 1975, which Sections relate to the payment of municipal improvement assessments, so as to liberalize the times for payments and to adjust interest rates; to provide an effective date.

By Mr. Proctor:

S. 90. To amend Section 40-12-244 of the Code of Alabama 1975 relating to certain exemptions of the state license tax and registration fee so as to include the personal vehicle of each member of emergency medical services, volunteer fire departments and rescue squads.

By Messrs. Little, Parsons, Barron, Proctor, Britnell, McDonald, Smith, Vacca, Bailey, Higginbotham, Mitchem, Hall and Miller:

S. 95. To establish an employee suggestion award program whereby cash or awards may be made to state employees whose adopted suggestions result in savings or improvement in state government.



By Mr. Cook:

S. 49. To amend Section 31-2-60, Code of Alabama 1975, which provides for the organization of the military department; qualifications, appointment, rank, etc., of employees of the military department; applicability of merit system to department officers and employees so as to further provide for the number of assistant adjutants general for army that are authorized by National Guard Bureau rules and regulations.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith (With Substitute):

S. 73. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-4, 34-29-20, 34-29-41, and 34-29-45 of the Code of Alabama 1975, so as to: limit board members to two terms; and authorize the board to increase the following fees: (1) examination fee for veterinarians, not to exceed \$50.00; (2) annual renewal fees for veterinarians, not to exceed \$25.00; (3) examination fee for animal technicians, not to exceed \$25.00; and (4) annual renewal fees for animal technicians, not to exceed \$15.00.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Pegues, Manley, Cosby, Hammett, Dial and Whatley (With Amendments):

H. 69. To amend extensively the "Sunset Act of 1976", in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or non-enumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Denton:

S. 143. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Hall and Vacca (with notice and proof) (With Amendment):

S. 249. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Holmes:

S. 77. To repeal Sections 10-4-360 through 10-4-364 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Yacht Club Association and to provide for an effective date.

By Mr. Holmes:

S. 78. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Services as provided in Sections 34-13-1 through 34-13-134 and Sections 34-13-150 through 34-13-152 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-13-4, 34-13-10, 34-13-23, 34-13-28, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131; and to repeal Section 34-13-30 of the Code of Alabama 1975 so as to: Eliminate the requirement of the board to distribute statutes and regulations each four years and instead distribute only upon request; declare certain violations as misdemeanors and allow appropriate prosecution; provide further clarification concerning travel expenses of the board; require annual reporting to the Governor and to the Legislature instead of to the Secretary of State; authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; distribute directory of licensees only on request instead of annually; allow board to increase annual renewal fees for funeral directors and embalmers up to \$25.00 and up to \$100.00 for operators; provide penalties of up to \$25.00 for lapsed licenses; allow board to increase application fees for funeral directors and embalmers up to \$100.00; require board to charge \$15.00 for second or

subsequent inspections of prospective licensed establishments; allow board to increase application fee for funeral establishments up to \$300.00; lower minimum age and educational requirements for funeral director or embalmer apprentices; allow board to increase apprentice fees up to \$20.00; require apprentice time to be supervised; and to repeal a provision of law which transferred funds to the board from its predecessor board, the purpose of which has been served.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parsons (With Amendment):

S. 86. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners of Mine Personnel as provided in Sections 25-9-9 through 25-9-18, Code of Alabama 1975, as amended, with certain modifications; to amend Sections 25-9-9 and 25-9-10 of the Code of Alabama 1975, so as to: Authorize the board to increase examination fees not to exceed \$60.00; and to authorize per diem for board members up to the maximum allowed for state employees.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Parsons:

S. 87. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Speech Pathology and Audiology as provided in Sections 34-28A-1 through 34-28A-44 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-28A-21, 34-28A-23, 34-28A-24 and 34-28A-40 of the Code of Alabama 1975, so as to: Require applicants to pass an examination approved or promulgated by the board; remove requirement of board to maintain permanent records of all examination scores; provide that four (4) board members constitutes a quorum; and delete a waiver of examination provision (grandfather clause) which has served its purpose.

By Mr. Holmes:

S. 89. To terminate the existence and functioning of the State Board of Registration for Sanitarians, and to transfer its training funds or monies, duties and functions to the State Health Department.

By Mr. Martin:

S. 180. To authorize and make provision for any county or any department, board, bureau, commission or agency of any county, whether incorporated or not, or any county public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any county, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each county and each such county public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as

evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations, to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; to provide that an issuer of securities shall be free from state supervision and control and from the provisions of Chapter 8, Title 11, CODE OF ALABAMA 1975; and to authorize counties and such county public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such county or such county public corporation under authority of laws other than this act.

By Mr. Martin:

S. 181. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality, and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality, such agency or such municipal public corporation under authority of laws other than this act.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Martin (With Amendment):

S. 182. To amend further Sections 11-46-92, 11-46-93, 11-46-96, 11-46-98, 11-46-99, 11-46-107, 11-46-109, 11-46-112 and 11-46-126, Code of Alabama 1975, as amended, which Sections relate to cities and towns which have a population of 300,000 inhabitants or less which are organized under a commission form of government, so as to improve and clarify such election procedures.

Mr. Hall, Vice Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Holmes:

S. 60. To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

By Mr. Higginbotham:

S. 135. To amend Code of Alabama, 1975, §16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Campbell (with notice and proof):

H. 109. Relating to Calhoun County; to levy a privilege or license tax upon the sale, distribution or storage of beer; to fix the amount or rate of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 104. To extend the statute of limitations in regard to violations of the competitive bid laws.

By Mr. Vacca:

S. 35. To make an additional appropriation to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund, for salaries and certain other expenses for the fiscal year ending September 30, 1981.

By Mr. Miller:

S. 103. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1982, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson (With Substitute):

S. 105. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham:

S. 136. To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Management Surplus Reserve Accounts; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Goodwin (With Substitute):

S. 117. To amend Sections 2-5-3 and 2-5-4 of the Code of Alabama 1975 so as to raise the per diem of appointive members of the Farmers' Market Authority and to increase the salary of the administrator of the Farmers' Market Authority.

By Mr. Little (With Substitute):

S. 187. To authorize the State Board of Pardons and Paroles to establish a program that will allow the expenditure of state funds for employee incentive awards.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried and Robertson:

S. 152. To amend Section 2 of Act No. 80-583, S. 453, Regular Session 1980 (Acts 1980, p. 896) in order to clarify the term of office for the additional district judgeship in Tuscaloosa County.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parsons (With Substitute):

S. 85. To repeal Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, as amended, so as to terminate the existence and functioning of the Alabama Board of Social Work Examiners, to provide for an effective date, and to revert any monies of said board to the state general fund.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 278. To amend Section 8-17-85, Code of Alabama 1975, by raising annual permit fees from \$1.00 to \$10.00.

By Mr. Mitchem:

S. 279. To amend Section 8-15-3, Code of Alabama 1975, relating to the filing fee for public warehouses; to amend Section 8-15-18, Code of Alabama 1975, relating to the requirement for fire and hazard insurance for all goods stored in public warehouses.

By Mr. Callahan:

S. 284. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

## RESOLUTIONS

Messrs. Mitchem, Lemaster, and Smith offered the following Senate Joint Resolution, to-wit:

S. J. R. 42. REQUESTING THE CONGRESSIONAL DELEGATION OF THE GREAT STATE OF ALABAMA TO VIGOROUSLY SUPPORT THE FUNDING AND CONSTRUCTION OF THE T. V. A. COAL GASIFICATION PLANT AT MURPHY HILL, ALABAMA.

WHEREAS, all Americans are concerned about the rising costs of imported petroleum products; and

WHEREAS, there is a great and pressing need to achieve national energy goals thereby reducing our dependence on foreign oil supplies; and

WHEREAS, our nation has available a fuel source, "coal," that is derived from America's own natural and human resources; and

WHEREAS, environmental and economically accepted methods need to be developed by the construction of a commercial size facility for the conversion of coal to energy alternatives; and

WHEREAS, without question a market and demand for said energy alternative is readily available and can be made available at a competitive price with other energy resources for consumption; and

WHEREAS, it is in the best interest of our national defense to develop a viable energy alternative that is dependable, safe and completely independent of foreign domination; and

WHEREAS, through the development of this alternative energy source, our deficit in foreign trade can be reduced by millions of dollars, which sums can remain in the hands of the working people of America, where it should be; and

WHEREAS, a great amount of planning and studies has been undertaken by the Tennessee Valley Authority with respect to coal gasification and the construction of a facility to process the same and T. V. A. has expressed its intention to construct such a facility at Murphy Hill, Alabama, provided funding is allocated by the Federal Government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby respectfully request our most distinguished Congressional Delegation to vigorously support the funding and construction of the T. V. A. coal gasification plant at Murphy Hill, Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Figures offered the following Senate Joint Resolution, to-wit:

S. J. R. 43. MOURNING THE TRAGIC DEATH OF MR. JOHN WALTER BUMPERS, JR., OF MOBILE ALABAMA.

WHEREAS, the legislature of Alabama has been deeply shocked and saddened by the tragic death of Mr. John Walter Bumpers, Jr., on February 9, 1981, at the age of 42 years; and

WHEREAS, John Walter Bumpers, Jr., was accidentally killed on Interstate 65 near Springhill Avenue when he was struck by a passing motorist, thus ending a life that had been marked with great accomplishments and contributions to his community; and

WHEREAS, Mr. Bumpers was a graduate of Alabama State University, and a teacher and basketball coach in the public school system for the past 19½ years; and

WHEREAS, in such capacity he taught and coached State Senator Michael A. Figures in basketball in 1964 and 1965 at Hillsdale High School; and

WHEREAS, Coach Bumpers was a classmate and teammate of State Representative William Clark at Mobile County Training School from which they graduated in 1957; and

WHEREAS, Coach Bumpers was a life long member of Goodwill Baptist Church in Prichard, Alabama; and

WHEREAS, Coach Bumpers, who lived in the Trinity Gardens section of Mobile is survived by his wife, Carolyn, three children, Juan, Charrisse, John Walter Bumpers, III and his father, John Walter Bumpers.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF, CONCURRING, that we grievously mourn the death of Mr. John Walter Bumpers, Jr., of Mobile, Alabama, and express our deepest sympathy to all his family.



BE IT FURTHER RESOLVED, that in evidence of our shared sorrow, a copy of this resolution be sent to Mrs. Bumpers and other family members so that they will know of our deep respect and regard for this outstanding citizen of our community.

On motion of Mr. Figures, the Rules were suspended and the Resolution was adopted by the Senate.

#### LOCAL BILLS ON THIRD READING

The Bill:

S. 3. Relating to Etowah County; to provide further for the compensation of election officers.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Cook	Hilliard	Pearson	Weeks	
Denton	Keener	Proctor	White	
Figures	Little			—25

*Nays:* —0

The Bill:

S. 31. Relating to Baldwin County; providing for an increase in compensation for members of the board of registrars.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Gulledge	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Hilliard	Parsons	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

*Nays:* —0

The Bill:

S. 32. Relating to Baldwin County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Gulledge	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Hilliard	Parsons	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

*Nays:* —0

The Bill:

S. 165. Relating to Etowah County; providing further for mileage allowance for returning officers; providing for the payments of such mileage to be made from funds in the county treasury not otherwise appropriated, or in the case of municipal elections, such payments shall be made from municipal funds by the municipal governing body.

was read third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Cook	Hilliard	Proctor	White	
Denton	Keener			—25

*Nays:* —0

The Bill:

S. 110. Relating to Etowah County; setting the compensation of supernumerary district attorneys and providing for a supplement from the general funds of such county under certain circumstances.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Hilliard	Proctor	Weeks	
Cook	Keener	St. John	White	
Denton	Little			—25

*Nays:* —0

## UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 27. To provide for a durable power of attorney that may survive incompetency or until actual knowledge of death of the principal.

The question was on the substitute reported by the Standing Committee on Judiciary on the Third Legislative Day.

Mr. Robertson offered the following amendment to the substitute for the Bill, S. B. 27, to-wit:

## AMENDMENT TO SUBSTITUTE FOR S. B. 27

Amend substitute for Senate Bill No. 27, Page 1, Line 31, by inserting after the word incompetency—provided however that the principal having the power of attorney shall have been bonded for an amount equal to one and one half times the known worth of the principal making the appointment.

On motion of Mr. St. John, said amendment was laid on the table.

And on motion of Mr. White, the substitute for the Bill, S. B. 27, was then adopted by the Senate.

Yeas 24; Nays 1.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Smith	
Bailey	Hall	Little	Taylor	
Barron	Harrison	Martin	Teague	
Britnell	Hilliard	McDonald	Vacca	
Cook	Holmes	Pearson	Weeks	
deGraffenried	Kirkland	St. John	White	
Goodwin				—24

*Nay:* Mr. Robertson. —1

And said Bill, S. B. 27, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 2.

*Yeas:*

Messrs.:	Goodwin	McDonald	Smith	
Bailey	Harrison	Miller	Taylor	
Barron	Holmes	Mitchem	Teague	
Britnell	Kirkland	Parsons	Vacca	
Callahan	Lemaster	Pearson	Weeks	
Cook	Little	St. John	White	
deGraffenried	Martin			—25

*Nays:* Messrs.: Hall, Robertson. —2

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 37. INVITING THE HONORABLE JOE FOSS, FORMER GOVERNOR OF THE STATE OF SOUTH DAKOTA, TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

S. J. R. 38. HONORING MR. TYRE C. WEAVER, JR., FOR DISTINGUISHED PUBLIC SERVICE.

JOHN W. PEMBERTON,  
Clerk.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 79-816, the report of the Joint Interim Committee to study the Rising Costs of Medicaid to the State of Alabama was filed with the Secretary.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 193. To give permanent status in the classified service under the Merit System Act to all persons employed under provisional appointments as Capitol Security Police Officers in the Department of Finance of the State of Alabama between the dates of June 13, 1979, and July 23, 1980, inclusive, who performed their duties satisfactorily during the period of their employment and to permit the director of finance to condition appointments made hereunder to the satisfactory completion of a six-month working test period and to make such appointments effective immediately after the completion of the working test period.

And said Bill, S. B. 193, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Smith
Bailey	Hall	Martin	Taylor
Britnell	Harrison	Miller	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Robertson	Weeks
deGraffenried	Kirkland	St. John	White
Goodwin	Lemaster		

—25

Nays:

—0

## The Bill:

S. 72. To amend extensively the "Sunset Act of 1976, in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or non-enumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 72, to-wit:

## COMMITTEE AMENDMENT TO S. B. 72

Amend Senate Bill 72, page 15, by inserting after the "(b)" on line 24 the words "the bill" and add the following:

"then a substitute bill specifying only continuance concerning the status of the state agency"

Further amend Senate Bill 72, page 15, line 22, after the word "legislation" by adding the following:

"recommending modification"

On motion of Mr. Smith, further consideration of the Bill, S. B. 72, and pending amendment, was postponed until the next Legislative Day as Unfinished Business.

## RESOLUTIONS

Mr. Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 44. SETTING THE TIME AND DATE FOR AN ADDRESS  
BY THE HONORABLE JOE FOSS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held in the House Chamber at 1:00 p. m. on Thursday, February 19,

1981, for the purpose of hearing the presentation of the Honorable Joe Foss, distinguished citizen of the State of South Dakota and recipient of the Congressional Medal of Honor.

On motion of Mr. Barron, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Barron then offered the following Senate Joint Resolution, to-wit:

S. J. R. 45. COMMENDING THE HONORABLE JOE FOSS OF SOUTH DAKOTA.

WHEREAS, in merited commendation and in gratitude, the Legislature of Alabama today pays tribute to The Honorable Joe Foss, former state representative and Governor of his native South Dakota; and

WHEREAS, a graduate of the University of South Dakota with a B. S. Degree awarded in 1940, Governor Foss also holds an honorary Sc. D. Degree from Sioux Falls Collage and honorary LL. D. Degrees from Yankton, Black Hills State and Northern State Colleges in South Dakota; and

WHEREAS, now a noted lecturer and author, Joe Foss also is a director of Advertising Unlimited, Incorporated, and of Clark/Bardes Organization, Incorporated; he served as Commissioner of the American Football League from 1959 until 1966, was the star of a weekly television series, "The Outdoorsman—Joe Foss," from 1967 to 1974 and, in 1964 and 1965, hosted ABC's "American Sportsman" weekly television show; and

WHEREAS, Mr. Foss is perhaps most distinguished through military service and as the recipient of the Distinguished Flying Cross and of our nation's highest military decoration, the Congressional Medal of Honor; serving as a Major in the United States Marine Corps during World War II, Joe Foss was one of our most prominent heroes in shooting down 26 enemy planes, the first pilot to do so since Eddie Rickenbacker; and

WHEREAS, he further distinguished himself through service during the Korean Conflict as a Colonel in the United States Air Force, and as a Brigadier General and Chief of Staff, Retired, of the South Dakota Air National Guard; and

WHEREAS, few Americans are called to serve who do so with such distinction as has General Joe Foss of South Dakota; his patriotism has known no bounds, and his service to his beloved home state of South Dakota and to our great nation is also unlimited in scope; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend General Joe Foss, Congressional Medal of Honor winner, former Governor of the State of South Dakota and a truly great American.

BE IT FURTHER RESOLVED, That Governor Foss be presented with a copy of this resolution in token of our praise, appreciation and high regard.

On motion of Mr. Barron, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Cobb, McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 64. MOURNING THE DEATH OF MR. RANKIN FITE, FORMER SPEAKER OF THE ALABAMA HOUSE OF REPRESENTATIVES.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Britnell, the Rules were suspended and the Resolution, H. J. R. 64, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Grouby (with notice and proof):

H. 332. Relating to Autauga County; to provide an expense allowance for the coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 332 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 332. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Williams, Sasser and Daniels:

H. 194. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1982, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 194. To the Committee on Finance and Taxation .

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 31. To amend Section 32-6-1 of the Code of Alabama 1975, relating to drivers' licenses and the renewal of such licenses, so as to prescribe that the department of public safety shall mail renewal notices to each licensee at least thirty days prior to the expiration date.

Also:

By Reps. Dial and Ford:

H. 54. To amend Section 31-2-60, Code of Alabama 1975, which provides for the organization of the military department; qualifications, appointment, rank, etc., of employees of the military department; applicability of merit system to department officers and employees so as to further provide for the number of assistant adjutants general for army that are authorized by National Guard Bureau rules and regulations.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 31. To the Committee on Finance and Taxation.

H. B. 54. To the Committee on Governmental Affairs.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 42. REQUESTING THE CONGRESSIONAL DELEGATION OF THE GREAT STATE OF ALABAMA TO VIGOROUSLY SUPPORT THE FUNDING AND CONSTRUCTION OF THE T. V. A. COAL GASIFICATION PLANT AT MURPHY HILL, ALABAMA.

Also:

S. J. R. 43. MOURNING THE TRAGIC DEATH OF MR. JOHN WALTER BUMPERS, JR., OF MOBILE, ALABAMA.

Also:

S. J. R. 44. SETTING THE TIME AND DATE FOR AN ADDRESS BY THE HONORABLE JOE FOSS.

JOHN W. PEMBERTON,  
Clerk.

## ADJOURNMENT

At 1:30 P. M., on motion of Mr. St. John, in accordance with Resolution heretofore adopted and pending further consideration of the Bill, S. B. 72, the Senate adjourned until Tuesday, February 17, 1981, at 1:30 P. M.

## FIFTH LEGISLATIVE DAY

TUESDAY, FEBRUARY 17, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend James Claunch, Associate Pastor, Aldersgate United Methodist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Barron:

S. 312. To provide that Probation and Parole Officers employed by the Board of Pardons and Paroles may retain their badge, pistol and such other equipment as the board may designate upon their retirement.

Committee on Finance and Taxation.

By Mr. Bailey:

S. 313. To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 327 relating to the promotion of production, research and development of swine and swine products so as to provide for a change in the assessment and assessment limits to be levied for such promotion.

Committee on Agriculture, Conservation, and Forestry.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Callahan:

S. 314. To amend Section 40-14-70, Code of Alabama 1975, relating to assessment and collection of corporate shares of stock, so as to alter the method of assessment.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 315. To amend Section 23-1-5 of the Code of Alabama 1975 relating to payment of costs of relocation of utility facilities necessitated by construction of federal assisted highways so as to include those utilities that provide water or sewer services to the public with those utilities that are entitled to reimbursement from the state for relocation of utility facilities necessitated by highway construction other than the highways that are a part of the national system of interstate and defense highways.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Barron:

S. 316. To provide for the licensure and regulation of any person, partnership, association or corporation engaged in servicing, recharging, repairing, testing, inspecting or installing fire extinguishers and fire systems; to prescribe further duties and powers of the State Fire Marshal; to provide for the inspection of portable fire extinguishers at regular intervals; to authorize the State Fire Marshal to promulgate rules and regulations for the administration of this act; to provide that moneys collected pursuant to this act shall be deposited in the State Fire Marshal's Fund; to authorize the State Fire Marshal to expend funds from the State Fire Marshal's Fund for the administration and enforcement of this act; to prescribe license fees pursuant to this act; and to prescribe penalties for violation of the act.

Committee on Health and Welfare.

By Mr. Goodwin:

S. 317. To further regulate the sale of alcoholic beverages under the supervision of the Alabama Alcoholic Beverage Control Board in each municipality, in each county, and in all state parks; to authorize referendum

elections in each municipality to determine if the sale of alcoholic beverages within the corporate limits will be allowed or if the sale of alcoholic beverages within the corporate limits will be prohibited, upon the petition of 25% of the number of registered voters casting a ballot in the last municipal election in said municipality; to provide that a period of not less than 720 days must elapse between the dates of such referendum elections; to authorize the governing authority of each municipality to establish the hours of sale for alcoholic beverages in the corporate limits and the governing authority of the county to establish the hours of sale for alcoholic beverages outside the corporate limits but within the county each and every day of the week; to provide that the governing authority of each municipality must approve each retail alcoholic beverage license application location within the corporate limits and the governing authority of the county must approve each retail alcoholic beverage license application outside the corporate limits but within the county before the Alabama Alcoholic Beverage Control Board has the authority to issue a retail alcoholic beverage license; to provide that the Alabama Alcoholic Beverage Control Board may issue, with the approval of the Commissioner of the Department of Conservation and Natural Resources, a special retail license to any state park in Alabama or the franchisees or concessionaires of state parks; and to further provide that the Commissioner of the Department of Conservation and Natural Resources may establish the hours of sale of alcoholic beverages in state parks.

Committee on Commerce, Transportation,  
and Utilities.

#### RECESS

At 1:55 P.M., on motion of Mr. Martin, the Senate took a recess until the completion of the Joint Session.

#### JOINT SESSION

At 2 o'clock P.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the Message of His Excellency, the Governor, the Honorable Fob James.

The Session was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Fob James was escorted to the chair and delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant Governor McMillan.

#### ROLL CALL

Present:

Messrs.:	Cook	Goodwin	Hilliard
Bailey	deGraffenried	Gulledge	Holmes
Barron	Denton	Hall	Keener
Britnell	Figures	Harrison	Kirkland
Callahan	Glass	Higginbotham	Lemaster

Little  
Martin  
McDonald  
Miller

Mitchem  
Parsons  
Pearson

Proctor  
Robertson  
St. John  
Smith  
Taylor

Teague  
Vacca  
Weeks  
White

—35

## INTRODUCTION OF BILLS RESUMED

By Mr. Little (with notice and proof):

S. 318. Relating to Lee County; levying an additional ad valorem tax in the City of Auburn to be used for educational purposes and providing for a referendum.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 318, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Figures:

S. 319. To provide for exemption of certain school days missed due to natural disasters.

Committee on Education.

By Mr. St. John:

S. 320. To propose an Amendment to the Constitution of Alabama of 1901 (a) terminating certain constitutional restrictions on the use by the State of the proceeds allocated to it from certain taxes imposed by the State by repealing Sections 258 and 260, as amended, and Section 261 of the Constitution, and Amendments 93 and 354 of the Constitution, and amending or modifying each of Amendments 11, 21, 25 and 61 to the Constitution; (b) providing for the termination of all statutory restrictions (other than then current appropriations), existing on the effective date of the proposed Amendment, upon the use by the State of the proceeds allocated to it from taxes imposed by the State except (i) those then existing restrictions that relate to payments into the game and fish fund of the State created in Amendment 272 to the Constitution and (ii) those then existing restrictions that consist of continuing appropriations and pledges for the benefit of bonds or other securities authorized prior to the effective date of the proposed Amendment; (c) requiring a three-fifths vote of the members elected to each House of the Legislature for the passage, after the effective date of the proposed Amendment, of any statute (i) creating or continuing a restriction (other than a then current appropriation) on the use by the State of the proceeds from any taxes imposed by the State, (ii) modifying or terminating any such restriction that may be created or continued by a statute hereafter adopted, or (iii) authorizing any public corporation organized at the State level to issue bonds or other securities payable from and secured by a continuing appropriation and pledge of proceeds from a tax or taxes of the State; and (d) clarifying the status, as constituting a debt of the State within the meaning of Section 213 of the Constitution, as amended, of securities hereafter issued by a public corporation, organized at the State level, that are payable solely from and secured by a continuing appropriation and pledge of any tax or taxes of the State, regardless of the purpose for which the pledged tax or taxes may have been originally imposed and regardless of the availability of any of the pledged tax proceeds to the general fund of the State.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. St. John:

S. 321. To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to provide for the form of the disclaimer; to provide for the manner of the delivery of the disclaimer; to fix the time limits for the delivery of a disclaimer; to determine the effect of the disclaimer; to provide for the waiving and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to provide for the application of this Act to interests in existence upon its effective date; to ensure that this Act is construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes; to provide for severability of the provisions of this Act; and to provide a retroactive effective date for the provisions of this Act.

Committee on Judiciary.

By Mr. St. John:

S. 322. To change the name of the capitol security officers to state capitol police officers, to provide for the powers, duties, and jurisdiction of state capitol police officers, to provide that state capitol police officers shall be provided a uniform of a type and color as prescribed by the director of finance, and to provide that the state department of finance is authorized to insure state capitol police officers against personal injury or death while discharging their duties.

Committee on Judiciary.

By Messrs. White and deGraffenried:

S. 323. To authorize certain minors to consent to the donation of bone marrow for purposes of bone marrow transplantation and authorize a parent or legal guardian of all other minors to consent to such bone marrow transplantation.

Committee on Health and Welfare.

By Mr. McDonald:

S. 324. To authorize certain officials of the state's high schools, colleges, universities, and four-year institutions of higher learning to register eligible students to vote, subject to the approval of the local board of registrars, and to provide that the provisions hereof shall be supplemental to the existing state and local laws regarding voter registration.

Committee on Governmental Affairs.

By Mr. Hilliard:

S. 325. Proposing an amendment to Article VIII, Section 182 of the Constitution of Alabama 1901, so as to provide further for disqualifying certain persons from registering and voting.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Martin:

S. 326. To amend Section 8-18-4 of the Code of Alabama 1975, relating to certain bidding practices applicable to the screening of motion pictures, so as to allow blind bidding at the option of the theater owner or operator.

Committee on Governmental Affairs.

By Mr. Barron:

S. 327. To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize any state employee or retired person or beneficiary under any retirement system administered by the state to elect to have funds for his salary or retirement allowance electronically transferred for deposit in the bank of his choice.

Committee on Finance and Taxation.

By Mr. Cook:

S. 328. Prohibiting any public water supply system, operating from the site of its principal place of business in one county from charging customers in one municipality, or in any unincorporated area within any county at a higher rate than customers in any other municipality or unincorporated area within the county of its principal place of business; and prescribing penalties for violations.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Vacca:

S. 329. To create three additional judgeships for the Tenth Judicial Circuit of Alabama; to provide for the election of such judges; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to increase the number of circuit judges in the Tenth Judicial Circuit of Alabama to 23, to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 330. To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 315 relating to the promotion of production, distribution, improvement, marketing, use and sale of soybeans and soybean products so as to provide for a change in the assessment limits to be levied for such promotion.

Committee on Agriculture, Conservation, and Forestry.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Mitchem:

S. 331. To amend Section 2-8-9 and repeal Section 2-8-14 of the Code of Alabama 1975 providing for a promotional program for the production, marketing, use and sale of cattle so as to further provide for the length of the period of assessment after a referendum on that subject and to repeal provisions providing for an election by cattle owners not to pay an assessment.

Committee on Agriculture, Conservation, and Forestry.

By Mr. Kirkland:

S. 332. To authorize judges, in their discretion, to impose sentences to be served concurrently with sentences imposed by other states; to define "state" for purposes of this act; and to specify the cases to which this act shall apply.

Committee on Judiciary.

By Messrs. Kirkland, Barron, Robertson, Proctor, Glass, Parson, White, Cook and Teague:

S. 333. To amend Section 32-6-65, Code of Alabama 1975, as amended, which relates to penalties for late purchase of auto license tags, so as to alter said penalties.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 334. To amend Section 20-2-93, Code of Alabama, 1975, relating to forfeitures and seizures connected with violations of the Uniform Alabama Controlled Substances Act, by amending Section 20-2-93 to include money, funds, negotiable instruments, firearms, weapons and other personal property in the list of items subject to forfeiture, if used or intended for use to facilitate a violation of the Alabama Uniform Controlled Substances Act, to provide venue for forfeiture proceedings thereunder, and to clarify and define certain affirmative defenses thereto.

Committee on Judiciary.

By Messrs. Higginbotham, Parsons, Kirkland, Teague, Callahan, Cook, Gullede, Keener, Robertson, Bailey and Vacca:

S. 335. To amend Sections 40-17-38 and 40-17-221, Code of Alabama 1975, so as to authorize and direct the Commissioner of the Department of Revenue of this state to allow a discount, not to exceed two percent (2%) of the first Five Thousand Dollars (\$5,000) of taxes paid and one percent (1%) of all amounts of taxes paid in excess of Five Thousand Dollars (\$5,000) and not to exceed in any case Five Hundred Dollars (\$500) on taxes paid in any one month, to licensed and bonded refiners, storers, distributors or wholesalers as defined by Section 40-17-30, Code of Alabama 1975, who collect excise taxes under the provisions of Sections 40-17-31 and 40-17-220, Code of Alabama 1975.

Committee on Finance and Taxation.

By Messrs. Higginbotham, St. John, Martin, Callahan, Barron, Goodwin, Mitchem and Vacca:

S. 336. Proposing an amendment to the Constitution of Alabama re-



lating to the prohibition of legal action by employees covered under workmen's compensation laws against co-employees; and defining co-employees.

Committee on Business and Labor Relations.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Higginbotham:

S. 337. Proposing an amendment to the Constitution of Alabama restricting all odd-year regular sessions of the legislature to the subjects of budgets, local legislation, and resolutions until the budgets are completed at which time non-budget matters in addition to local legislation and resolutions may be considered, commencing with the 1983 regular session of the legislature; further providing that even-numbered years shall be restricted to non-budget matters; and providing the length of special and regular sessions.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Goodwin:

S. 338. To provide that retiring state law enforcement officers of the state of Alabama may keep their pistols and badges.

Committee on Governmental Affairs.

By Mr. Goodwin:

S. 339. To prescribe certain regulations regarding the conduct of certain state merit system examinations for state law enforcement officer classifications.

Committee on Governmental Affairs.

By Mr. Goodwin:

S. 340. To amend section 36-30-20 of the Code of Alabama 1975, relating to compensation for death or disability or occupational diseases for municipal policemen and state troopers so as to cover certain state law enforcement officers under such compensation plan.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 341. To provide for a cost-of-living increase for state law enforcement officers effective October 1, 1981, and to appropriate from the general fund of the state treasury an amount sufficient to implement the provisions of this act.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 342. Providing certain tuition grants to state supported institutions of higher education for certain survivors of state law enforcement officers who lose their lives while in line of duty and providing that the costs of such grants shall be absorbed by the institutions chosen for attendance by such survivors.

Committee on Finance and Taxation.

By Mr. Holmes:

S. 343. To amend Section 22-14-16 of the Code of Alabama 1975, relating to the prohibition of storing, depositing or dumping nuclear spent fuel or other radioactive waste which is generated outside Alabama, so as to provide for the exception of such material or waste used in Alabama.

Committee on Health and Welfare.

By Mr. Gullledge:

S. 344. To license and regulate grain dealers under the State Department of Agriculture and Industries; to require posting of bonds by dealers for the benefit of producers; to provide for inspection and investigation of grain dealers' operations and provide for hearings and suspension or revocation of grain dealers' licenses.

Committee on Agriculture, Conservation, and Forestry.

By Mr. Little:

S. 345. To make an appropriation from the state general fund for the purpose of entering into a professional services contract to analyze the cash and other assets management function of the state and make recommendations for improvements therein.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 346. To provide for prohibition of the possession, concealment, manufacture, purchase, transport, sale, delivery, distribution or endeavor to sell, deliver or distribute any short-barreled shotgun or short-barreled rifle; to provide criminal penalties for violations of this act; to provide for the forfeiture and condemnation of shortbarreled shotguns and short-barreled rifles.

Committee on Judiciary.

By Mr. Little:

S. 347. This Act, which shall be known as the Alabama Sale of Fine Prints Act, establishes requirements for the selling of and offering for sale limited edition art objects; provides for detailed information concerning such objects to accompany each individual purchase; provides for certain proof of purchase information to accompany each receipt or invoice upon the sale of an item, and provides for penalties in violation of these requirements, a statute of limitations in bringing an action under this act, and for reasonable attorneys' fees.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Little:

S. 348. To provide for the public offense of library theft; to define the offense and to define certain terms; to provide certain presumptions of law relative to the offense; to authorize, under certain circumstances, library employees or agents to detain suspected offenders if such detention is based on probable cause; to provide criminal and civil immunity for such library personnel for detentions and resulting arrests authorized under this act; to

authorize arrest for the offense by law enforcement officers, without a warrant and upon probable cause; to provide a misdemeanor penalty for the offense which shall be cumulative to existing theft penalties of this state; and to require public and conspicuous display of the provisions of this act in libraries and other institutions covered by the act.

Committee on Judiciary.

By Mr. Little:

S. 349. To further amend Section 40-9-19, Code of Alabama 1975, which provides for a homestead exemption from ad valorem taxation for certain residential property, so as to provide, effective retroactively to October 1, 1980, that such exemption shall apply if such property is used as a residence, even though a portion thereof is used for commercial purposes.

Committee on Finance and Taxation.

By Mr. Barron:

S. 350. Relating to the fifteenth judicial circuit: to create the office of official grand jury reporter for the grand juries of the counties comprising such circuit; to provide for the duties, powers, method of appointment and salary of said reporter.

Committee on Judiciary.

By Messrs. McDonald, Holmes, Smith and Miller:

S. 351. To promulgate "The Motor Vehicle Franchise Act" in order to provide for the regulation of motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Higginbotham:

S. 352. To amend Section 25-4-142 relating to the Alabama Unemployment Compensation Act by limiting expenditures from the "Special Employment Security Administration Fund" to \$50,000.00 in any fiscal year; and by requiring that all interest and penalty funds in the clearing account in excess of the amount being transferred to the "Special Employment Security Administration Fund" be transferred to the Unemployment Compensation Trust Fund; and by requiring that any balance in the "Special Employment Security Administration Fund" on June 30, 1981, in excess of \$50,000.00 shall be transferred promptly to the Unemployment Compensation Trust Fund.

Committee on Business and Labor Relations.

By Messrs. McDonald, Harrison, Britnell, Holmes, Hall, Robertson, Lemaster and Bailey.

S. 353. To provide further for public school curriculum at the elementary and secondary level; to provide for the balanced treatment of the theory of scientific creationism and evolution; to provide for definitions; to provide for the state department and superintendent of education to implement this act; to provide that the presentation of certain related theories with scientific findings shall not be prohibited; and to prescribe an effective date.

Committee on Education.

By Mr. McDonald:

S. 354. To propose an amendment to the Constitution 1901, so as to require the state to provide educational opportunity to all mentally competent legal residents between certain ages.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

#### BILL-REFERRED

Mr. Little moved that the Bill, S. B. 218, be recalled from the Standing Committee on Finance and Taxation and referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 218, re-referred to the Standing Committee on Agriculture, Conservation, and Forestry.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Frank Parquette to the Alabama Real Estate Commission.

On motion of Mr. McDonald, the appointment of Mr. Parquette was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Mitchem
Barron	Goodwin	Lemaster	Robertson
Britnell	Hall	Little	Smith
Callahan	Harrison	Martin	Taylor
Cook	Higginbotham	McDonald	Vacca
deGraffenried	Holmes	Miller	White
Denton	Keener		

—25

Nays: —0

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama State University, Board of Trustees.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 12th day of February, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Herman L. Harris, Montgomery, Alabama (replacing unknown)  
Term expiring January 31, 1986.

as a member of the Alabama State University, Board of Trustees.

Respectfully,  
FOB JAMES,  
Governor.

Done this 12th day of February, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Alabama State University, was read and referred to the Standing Committee on Rules.

#### COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 80-723, the report of the Joint Interim Committee to study Nuclear Energy Activities was filed with the Secretary.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 37. INVITING THE HONORABLE JOE FOSS, FORMER GOVERNOR OF THE STATE OF SOUTH DAKOTA, TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

S. J. R. 38. HONORING MR. TYRE C. WEAVER, JR., FOR DISTINGUISHED PUBLIC SERVICE.

Also:

S. J. R. 42. REQUESTING THE CONGRESSIONAL DELEGATION OF THE GREAT STATE OF ALABAMA TO VIGOROUSLY SUPPORT THE FUNDING AND CONSTRUCTION OF THE T.V.A. COAL GASIFICATION PLANT AT MURPHY HILL, ALABAMA.

Also:

S. J. R. 43. MOURNING THE TRAGIC DEATH OF MR. JOHN WALTER BUMPERS, JR., OF MOBILE ALABAMA.

Also:

S. J. R. 44. SETTING THE TIME AND DATE FOR AN ADDRESS  
BY THE HONORABLE JOE FOSS.

ALBERT McDONALD,  
Chairman.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### RESOLUTION

Messrs. Barron, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 46. MOURNING THE DEATH OF WILLIAM N. McQUEEN.

WHEREAS, The state of Alabama lost one of its most astute legal figures last July in the death of William Northington McQueen; and

WHEREAS, Billy McQueen received his law degree in 1933 from the University of Alabama, and served with distinction in private law practice, as Attorney General, and as legal adviser to Governor Gordon Persons; and

WHEREAS, Mr. McQueen, though unassuming in nature, won the respect and admiration of the entire legal fraternity, and worked tirelessly to protect and interpret constitutional law in his beloved state; and

WHEREAS, Billy McQueen was a true Christian gentleman and a devoted member of St. John's Episcopal Church, serving in many capacities in his parish and diocese; and

WHEREAS, He died at the age of 71, but had the energy and youthful spirit of a much younger man; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we were honored to have William McQueen as a friend; we are deeply grateful for his many accomplishments and services to the state of Alabama, and to his fellow man.

BE IT FURTHER RESOLVED That our heartfelt sympathy is expressed to his wife, Mrs. Polly McQueen, his daughter, Mrs. Charles Voltz, and his son, William N. McQueen, Jr., to whom copies of this resolution will be sent.

On motion of Mr. Barron, the Rules were suspended and the Resolution was adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 38. DENYING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

Also:

H. J. R. 50. DESIGNATING THE SQUARE DANCE AS THE AMERICAN FOLK DANCE OF THE STATE OF ALABAMA.

Also:

H. J. R. 55. NAMING THE ARMY NATIONAL GUARD ARMORY, LOCATED AT THE INTERSECTION OF AIRPORT AND STEEL STATION ROADS IN GADSDEN, ETOWAH COUNTY, ALABAMA, THE "CLARENCE F. RHEA ARMORY."

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 58. Relative to a joint session of the House and Senate to be held on February 17, 1981, for the purpose of hearing the presentation by the Governor and his consultants on the Retirement Systems of Alabama.

Also:

H. J. R. 60. COMMENDING THE COUNTRY MUSIC GROUP, ALABAMA BAND.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker Pro Tem of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 64. MOURNING THE DEATH OF MR. RANKIN FITE, FORMER SPEAKER OF THE ALABAMA HOUSE OF REPRESENTATIVES.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clark (G):

H. 222. To amend the title, Section 1 and Section 3 of Act No. 80-635, H. 242, Regular Session 1980 (Acts of Alabama 1980, p. \_\_\_\_ ) providing for the establishment of a fee to be collected from the proceeds of all judicial sales; and to provide for the distribution of said fees, so as to provide that the provisions of said Act shall only apply to judicial sales originating in the district and circuit courts of this state and shall not apply to judicial sales originating in the probate courts of this state.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 222. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 298. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901 to increase the number of trustees of the



University of Alabama and to provide for their election; to provide for the retirement of the trustees; and to alter the terms and provide a maximum number of consecutive terms of service; and to provide for and clarify the position of trustee emeritus.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time at length as required by the Constitution and referred to appropriate Standing Committee, as follows:

H. B. 298. To the Committee on Education.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 45. COMMENDING THE HONORABLE JOE FOSS OF SOUTH DAKOTA.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 82. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1980 session of the Legislature, with the exception of the Alabama Business Corporation Act (Act No. 80-633, H. 81, 1980 Regular Session), as contained in the 1980 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 82. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Bennett:

H. J. R. 77. NOTING NATIONAL CIRCLE K WEEK IN ALABAMA.

WHEREAS, Circle K, a collegiate service organization, has chapters on a number of Alabama campuses; and

WHEREAS, under its motto, "We Build," such organization provides college students with a means to help others and to be of service to society as a whole; and

WHEREAS, Circle K, an arm of Kiwanis International, has approximately 13,000 members on nearly 750 campuses across the United States and around the world; and

WHEREAS, Circle K emphasizes the advantages of the democratic way of life and provides the opportunity for leadership training in service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby acknowledge February 15 through 21, 1981, as Circle K Week in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Jerrell Ivey, lieutenant governor of Circle K for Alabama, in evidence of the Legislature's recognition of outstanding service by club members to Alabama and the nation.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 77, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Reed, Escott, Kennedy, and McCorquodale:

H. J. R. 75. HONORING TUSKEGEE INSTITUTE ON THE CENTENNIAL OF ITS FOUNDING.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 75, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harvey:

H. J. R. 72. MOURNING THE DEATH OF MISS AMILEA PORTER, PROMINENT BLOUNT COUNTY EDUCATOR AND CIVIC LEADER.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Mitchem, the Rules were suspended and the Resolution, H. J. R. 72, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holley:

H. J. R. 73. REQUEST FOR DELAY OF REPORTING DATE FOR JOINT INTERIM COMMITTEE RECREATING AN INTERIM COMMITTEE TO IMPLEMENT THE PURCHASE OF PROPERTY WITHIN THE CAPITOL COMPLEX.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the reporting date for the Joint Interim Committee Recreating an Interim Committee to Implement the Purchase of Property Within the Capitol Complex, created by H. J. R. 346, Act No. 80-657, is hereby delayed until the tenth legislative day.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 73, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Greer:

H. J. R. 74. REQUEST FOR DELAY OF REPORTING DATE FOR JOINT INTERIM COMMITTEE TO STUDY NUCLEAR PLANTS AND TO MAKE RECOMMENDATIONS REGARDING A REGULATORY AGENCY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the reporting date for the Joint Interim Committee to Study Nuclear Plants and to Make Recommendations Regarding a Regulatory Agency, created by H. J. R. 292, Act No. 80-649, is hereby delayed until the tenth legislative day.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Lemaster, the Rules were suspended and the Resolution, H. J. R. 74, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Pegues:

H. J. R. 67. LEGISLATURE AGREEING TO POSTPONE RECEIVING THE GOVERNOR'S BUDGETS FOR ONE LEGISLATIVE DAY.

WHEREAS, the present economic crisis has complicated state revenue projections for the 1981-82 fiscal year; and

WHEREAS, the Alabama Legislature recognizes the complexities involved in preparing budgets in these inflationary times; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby agree to postpone receiving the Governor's budgets for one legislative day.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 67, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Starkey:

H. J. R. 68. MOURNING THE DEATH OF MR. RUFUS GLEASON HIBBETT, SR., PROMINENT FLORENCE, ALABAMA, EDUCATOR AND CIVIC LEADER.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Denton, the Rules were suspended and the Resolution, H. J. R. 68, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## RESOLUTIONS

Mr. White offered the following Senate Resolution, to-wit:

S. R. 47. COMMENDING MISS CONNIE JONES FOR OUTSTANDING LEADERSHIP IN CRIME PREVENTION.

which was adopted.

Mr. Hilliard offered the following Senate Joint Resolution, to-wit:

S. J. R. 48. CONGRATULATING MISS KATHRINA DENISE GUNN, IMPERIAL DEBUTANTE QUEEN.

WHEREAS, the Legislature of Alabama is pleased to note the current 1980-1981 Reign of Miss Kathrina Denise Gunn of Birmingham, Alabama, as Imperial Debutante Queen; and

WHEREAS, Miss Gunn was crowned on December 26, 1980, at the Imperial Club's 32nd Annual Debutante Ball held at the Albert B. Boutwell Municipal Auditorium and on which occasion the organization presented 44 honorees to society; and

WHEREAS, Miss Gunn's selection from among so many lovely ladies is indeed a tribute to her grace, beauty and charm; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Kathrina Denise Gunn and extend our warm congratulations on her selection as the 1980-1981 Imperial Debutante Queen.

BE IT FURTHER RESOLVED, That Miss Gunn receive a copy of this resolution, as well as her justifiably proud parents, Mr. and Mrs. Aldrich Gunn, that they may know of our praise and of our warm best wishes for every future success.

On motion of Mr. Hilliard, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Hilliard then offered the following Senate Joint Resolution, to-wit:

S. J. R. 49. HONORING DR. BEATRYCE T. NEWTON, ASSOCIATE PROFESSOR OF EDUCATION, UNIVERSITY OF ALABAMA IN BIRMINGHAM.

WHEREAS, the Alabama Legislature, in high commendation, notes the outstanding career of Dr. Beatryce T. Newton, current Associate Professor of Education at the University of Alabama in Birmingham; and

WHEREAS, a graduate of Miles College where she earned her B.S. Degree, Dr. Newton also holds a Master's Degree from the University of Wisconsin, and her Doctorate which was earned at the University of Alabama; highly qualified for her position through academic excellence, she also is eminently qualified by virtue of her impressive experience in the field of education; and

WHEREAS, Dr. Newton was an elementary classroom teacher for some 13 years in Birmingham, Jefferson County, Chicago and Milwaukee prior to entering the area of higher education as an instructor in Business Education at Lawson State Junior College in Birmingham; she then became associated with UAB, first as an Instructor, then as Assistant Professor of Education for a little more than five years prior to accepting the position she now holds; and

WHEREAS, Dr. Newton has also authored numerous publications in her field, conducted research both through grants and independently, and has rendered meritorious service relevant to her profession, in the field and through university related programs, projects and committee work; and

WHEREAS, a member of Delta Sigma Theta Sorority, a public service organization, she also is a member of the United Negro College Fund and the Urban League; professionally she is affiliated with Phi Delta Kappa Fraternity, having served as Chapter Historian, and with the American Association for Supervision and Curriculum Development; and

WHEREAS, Dr. Newton's prestigious professional endeavors and accomplishments are truly to be applauded as meritorious in achievement; she is held in high regard and esteem by her peers and is noteworthy in her chosen field for contributions of distinction and merit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Dr. Beatryce T. Newton for outstanding achievement and direct that she receive a copy of this resolution, tendered in gratitude and in high esteem.

On motion of Mr. Hilliard, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Higginbotham offered the following Senate Joint Resolution, to-wit:

S. J. R. 50. EXTENDING THE REPORTING DATE OF THE ALABAMA COMMISSION ON HIGHER EDUCATION TO THE LEGISLATURE CONCERNING BRANCH CAMPUSES OF UNIVERSITIES OR JUNIOR COLLEGES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the reporting date of the Alabama Commission on Higher Education to the Legislature, as provided by Section 8 of Act No. 79-461, Regular Session 1979 (Acts of 1979, p. 816), concerning branch campuses of universities or junior colleges, shall be extended to a date set by the Joint House of Representatives and Senate Education Committees.

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Weeks offered the following Senate Resolution, to-wit:

S. R. 51. COMMENDING JASON THOMAS OF TROY, ALABAMA.

Which was adopted.

#### MOTION IN WRITING

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 112, on page 11 of the 5th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 112, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### REPORTS OF COMMITTEES

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Proctor (With Amendment):

S. 92. To amend several sections of present law relating to public health. The sections amended include 22-11-1, 22-11-2, 22-11-3, 22-11-4, 22-11-5, 22-11-6, 22-11-7, 22-11-8, 22-11-12, 22-11-13, 22-11-14, 22-11-15, 22-11-16, 22-12-3, 22-12-4, 22-20-2, Code of Alabama, 1975, relating to notifiable diseases, and repeals Section 22-13-12, Code of Alabama, 1975, relating to cancer treatment reports.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. deGraffenried:

S. 291. To provide for the confidentiality of all written materials and activities concerning the accreditation, quality assurance, or similar function of any hospital, clinic, or medical staff.

By Mr. Taylor:

S. 259. To amend Section 22-18-2 of the Code of Alabama 1975 so as to exempt businesses or companies that provide free ambulance service to their employees from certain requirements in the operation of ambulances.

By Mr. Parsons:

S. 310. To provide for health insurance claim forms; requiring the State Insurance Commissioner to prescribe standard health insurance claim forms to be used by hospitals; requiring acceptance of such forms by insurers doing business in the State of Alabama; requiring the use of such forms by those agencies of the state which pay providers of health care for hospital and physicians' services.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 44. To repeal Section 5-2A-103, Code of Alabama 1975, which provides for the payment of operating expenses of the bureau of credit unions.

By Mr. Vacca:

S. 46. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

By Mr. Vacca:

S. 59. Relating to interest and usury: To amend Act No. 80-435 of the 1980 Legislature of Alabama and Section 8-8-5, Code of Alabama 1975, relating to certain loans to which usury laws do not apply, so as to provide that such laws do not apply to any person or entity, whether or not organized for profit, nor to any transaction thereunder, whether or not in default; to define terms used therein; to repeal Section 1(e) of Act No. 80-435; to repeal conflicting laws; to provide that provisions of this Act are severable; and, to provide for an effective date.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Manley and Pegues (with notice and proof):

H. 86. Relating to Marengo County; authorizing the county commission to increase the mileage allowance of the county coroner and providing for its retroactive effect.

By Rep. Blake (with notice and proof):

H. 251. Relating to St. Clair County; to further amend sections 3 and 9 of Act No. 243, H. 509, of the Regular Session of 1979 relating to a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board and who shall have the authority to suspend an employee for certain reasons.

By Rep. Blake (with notice and proof):

H. 252. Relating to St. Clair County; to provide for additional per diem payments to each member of the Board of Equalization.

By Rep. Blake (with notice and proof):

H. 253. Relating to St. Clair County; amending Act No. 80-520, H. 1057, 1980 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to limit the mileage allowance to only the returning officer.

#### LOCAL BILLS ON THIRD READING

The Bill:

H. 109. Relating to Calhoun County; to levy a privilege or license tax upon the sale, distribution or storage of beer; to fix the amount or rate of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.



Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	St. John
Barron	Goodwin	Miller	Smith
Britnell	Gulledge	Mitchem	Teague
Callahan	Hall	Parsons	Weeks
Cook	Holmes	Pearson	White
Denton	Kirkland		

—25

*Nays:*

—0

The Bill:

S. 101. Relating to Talladega County; to amend further Act No. 79-592, H. 948, 1979 Regular Session (Acts 1979, p. 1051), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to further provide for said financing by increasing the costs and charges of Court.

was taken up.

Mr. Proctor offered the following substitute for the Bill, S. B. 101, to-wit:

## SUBSTITUTE FOR S. B. 101

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Talladega County; to amend further Act No. 79-592, H. 948, 1979 Regular Session (Acts 1979, p. 1051), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to provide for financing of juvenile justice and law enforcement, by increasing the costs and charges of Court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6, Section 7, and Section 9 of Act No. 79-592, H. 948, 1979 Regular Session (Acts 1979, p. 1051), is hereby amended to read as follows:

"Section 6. There shall also be taxed as costs in cases hereafter filed in the District Court of the County the sum of Six Dollars (\$6.00) in each criminal case, in each juvenile case and in each civil case in which the amount in controversy exceeds \$100.00, which costs shall be collected as other costs in such cases are collected, and when collected by the Clerk or other collecting officer of said Court shall be paid by him to the General Fund of the County.

"Section 7. There shall also be taxed as costs the sum of Seven Dollars (\$7.00) in each case hereafter filed in each Municipal Court in Talladega County and in each case or proceeding hereafter filed in the Probate Court of said County, which costs shall be collected as other costs in such cases are collected, and when collected by the Clerk or other collecting officer of said Court shall be paid by him to the General Fund of the County.

"Section 9. The sums herein provided for in Section 5, Section 6 and Section 7 shall be used by the county governing body for the support and maintenance of the Public Law Library provided for herein, and for the support and improvement of law enforcement and juvenile justice within the county."

Section 2. If any sentence, clause, provision or section of this Act be declared to be invalid, the invalidity thereof shall not affect the validity of any other portion or provision of this Act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of any portion hereof.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Mitchem	Weeks	
Cook	Holmes	Parsons	White	
Denton	Kirkland			—25

*Nays:* —0

And said Bill, S. B. 101, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Mitchem	Weeks	
Cook	Holmes	Parsons	White	
Denton	Kirkland			—25

*Nays:* —0

### UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 72. To amend extensively the "Sunset Act of 1976, in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or non-enumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine

die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

The question was on the Committee amendment No. 1 reported by the Standing Committee on Governmental Affairs on the Fourth Legislative Day.

Mr. Smith was granted unanimous consent to take up the Bill.

H. 69. To amend extensively the "Sunset Act of 1976", in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or nonenumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

in place of S. B. 72.

The Standing Committee on Governmental Affairs reported the following amendment for the Bill, H. B. 69, to-wit:

SENATE GOVERNMENTAL AFFAIRS COMMITTEE  
AMENDMENT NO. 1 TO HOUSE BILL 69

Amend House Bill 69, page 15, by inserting after the "(b)" on line 24 the words "the bill" and add the following:

"then a substitute bill specifying only continuance concerning the status of the state agency"

Further amend House Bill 69, page 15, line 22, after the word "legislation" by adding the following:

"recommending modification"

MOTION IN WRITING

Mr. Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 95, on page 32 of the 5th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 95, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MOTION TO ADJOURN LOST

At 4:10 P.M., Mr. St. John moved that the Senate adjourn until Thursday, February 19, 1981 at 11 o'clock A.M., which resulted in a tie vote.

Yeas 15; Nays 15.

*Yeas:*

Messrs.:	deGraffenried	Little	Robertson
Bailey	Goodwin	Miller	St. John
Callahan	Higginbotham	Pearson	Weeks
Cook	Hilliard	Proctor	White

—15

*Nays:*

Messrs.:	Gulledge	Kirkland	Parsons
Barron	Hall	Lemaster	Smith
Britnell	Harrison	Martin	Taylor
Denton	Holmes	McDonald	Vacca

—15

The President and Presiding Officer of the Senate voted "Nay"; therefore, the motion to adjourn was lost.

MOTIONS IN WRITING

Mr. Cook offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 197, on page 27 of the 5th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 197, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Cook then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 150, on page 26 of the 5th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 150, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### ADJOURNMENT

At 4:17 P.M., on motion of Mr. White, pending further consideration of S. B. 72 and H. B. 69, the Senate adjourned until Thursday, February 19, 1981, at 10:30 A.M.

Yeas 14; Nays 13.

#### *Yeas:*

Messrs.:	deGraffenried	Little	St. John	
Bailey	Figures	Miller	Weeks	
Callahan	Goodwin	Pearson	White	
Cook	Keener	Robertson		—14

#### *Nays:*

Messrs.:	Hall	Parsons	Taylor	
Barron	Harrison	Proctor	Vacca	
Britnell	Kirkland	Smith		—13
Denton	McDonald			
Gulledge				

## SIXTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 19, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Alvin Stewart, Associate Pastor, First Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Keener, Mitchem and Bailey:

S. 355. To prescribe the authority and powers of Attorney General's investigators.

Committee on Judiciary.

By Mr. Martin:

S. 356. To make further provisions for the issuance of obligations by the Alabama Highway Finance Corporation by amending Article 7 of Chapter 1 of Title 23 of the Code of Alabama, 1975, as amended, so as to exempt all obligations issued by the Corporation from the laws of the State governing usury or prescribing or limiting interest rates including but without limitation to the provisions of Chapter 8 of Title 8 of the Code of Alabama, 1975.

Committee on Finance and Taxation.

By Messrs. White and Proctor:

S. 357. To amend Section 22-51-12, Code of Alabama 1975, relating to control of facilities provided for in Chapter 51 of Title 22, relating to regional mental health programs and facilities, so as to provide further for budget requests and accountability.

Committee on Health and Welfare.

By Mr. Taylor:

S. 358. To amend Section 25-4-75, Code of Alabama 1975, as last amended, to comply with the requirement of federal law as contained in Public Law 96-499 relating to benefits under the extended benefit program so as to provide for a limit to the first 2 weeks of benefits paid on an interstate claim filed in an agent state where no extended benefit period is in effect; to provide restrictions on eligibility for such benefits to individuals who fail to accept any offer of suitable work and to define "suitable work", actively engage in systematic and sustained effort to find work and to furnish tangible evidence of such efforts; to provide penalties for violations thereof; and to meet the requirements that these provisions become effective for weeks of unemployment commencing after March 31, 1981.

Committee on Business and Labor Relations.

By Messrs. Smith, McDonald and Harrison:

S. 359. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize active solar energy devices.

Committee on Finance and Taxation.

By Messrs. Smith, McDonald and Harrison:

S. 360. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize passive solar energy.

Committee on Finance and Taxation.

By Mr. Britnell:

S. 361. To further amend Section 40-9-19, Code of Alabama 1975, which provides for a homestead exemption from ad valorem taxation for certain single-family owner-occupied residential property, so as to provide, effective retroactively to October 1, 1980, that such exemption shall apply if such property is used primarily as a residence, even though a portion thereof is used for commercial purposes.

Committee on Finance and Taxation.

By Mr. Britnell:

S. 362. To amend Section 33-15-6 of the Code of Alabama 1975, relating to the powers, duties and functions of the Bear Creek Development Authority, so as to authorize the hiring of park rangers to enforce certain rules and regulations including those of Section 33-15-7(c); to give conservation enforcement officers the same authority; and to give said rangers and officers the power and authority of deputy sheriffs over any property owned or under the jurisdiction of the Bear Creek Development Authority.

Committee on Governmental Affairs.

By Mr. Britnell:

S. 363. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

Committee on Education.

By Mr. St. John:

S. 364. To further regulate interest rates on life insurance policy loans and to provide for any conflicts between the provisions of this bill and Section 27-15-5, Code of Alabama 1975.

Committee on Banking and Insurance.

By Mr. Kirkland:

S. 365. Relating to public transportation; providing further for licensing and regulating certain motor vehicles for hire and providing for the disposition of certain fees collected from the licensing of such vehicles.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Hilliard:

S. 366. Proposing an amendment to Article VIII, Section 182 of the Constitution of Alabama 1901, so as to provide further for disqualifying certain persons from registering and voting.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Lemaster:

S. 367. To provide for a discount of 2.2% on monthly electrical bills for residential use for those people who are served electricity by corporations organized under Chapters 5, 6 and 7 of Title 37, Code of Alabama 1975, provided those people are 62 years of age or older or if they are totally disabled, and to provide a means by which those people qualified may receive such discount.

Committee on Commerce, Transportation,  
and Utilities.



By Mr. Teague:

S. 368. Relating to voter registration; to amend Code of Alabama, 1975, Section 17-4-158 so as to require that any qualified elector be appointed as deputy registrars.

Committee on Governmental Affairs.

By Messrs. Hall and White:

S. 369. To provide that the receipt of veterans' benefits is not counted as income when determining eligibility for medicaid benefits as a patient in a nursing home.

Committee on Health and Welfare.

By Mr. Bailey:

S. 370. To further amend sections 25-4-16, 25-4-72, 25-4-77, 25-4-78, and 25-4-118, Code of Alabama 1975, as last amended, so as to include in the definition of "wages" certain payments for vacation periods, holidays, separations and dismissals and the unemployment and social security taxes imposed on employees by this chapter and 26 USC 3101 (except for domestic service in a private home or for agricultural labor) which are paid by the employer without deduction from the employee; to provide, effective for tax rate years beginning in 1982 and thereafter, for the method of computation of the amount of annual wages excluded from definition of "wages"; to provide for the determination of individual weekly benefit rates and the maximum and minimum rates therefor at specified times and for conditions for continued eligibility; to require, as a condition for eligibility to regular state benefits, the serving of a one-week waiting period prior to receipt of benefits; to provide that an individual who was discharged for acts of misconduct be ineligible to receive benefits until such individual has reentered employment; to increase the period of disqualification for refusing to accept an offer of suitable work from 1 to 10 weeks to 3 to 26 weeks and to include with other considerations whether sufficient evidence of the individual's prospects of obtaining a job in his customary occupation at an early date is furnished; to provide disqualification during any week with respect to which an individual is to receive vacation or holiday pay or dismissal or separation allowance which is based on prior service; to restrict disqualification for receipt of a pension so as to remove the requirement for "seeking a pension" and to credit the pension payment by a percentage (up to 50%) which represents the ratio of the individual's contribution to the pension plan in relation to the total contribution and to authorize the director to release information to public agencies in connection with child support and food stamp cases and to public officials in the performance of their official duties and to set the penalty for obtaining such information falsely or for its misuse.

Committee on Business and Labor Relations.

## REPORTS OF COMMITTEES

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 109. To amend Section 9-11-194 of the Code of Alabama 1975, relating to the marking of licensed, wire fish baskets so as to provide that the location of said baskets shall not be required to be marked with a buoy or float.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (With Substitute):

S. 133. To amend Section 7-2-316 of the Code of Alabama of 1975 relating to exclusion or modification of warranties so as to provide that with respect to the sale of cattle, swine, sheep, goats, horses, mules and asses, there shall be no implied warranty that such animals are free from diseases.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 174. To regulate the practice of soil classification; to provide for the registration of qualified persons as professional soil classifiers; to designate a state board of registration of soil classifiers; to provide for the appointment and compensation of its members; to fix the terms of the members of the board and to define the powers and duties of the board; to provide the minimum qualifications and other requirements for registration; to establish fees with expiration and renewal requirements; to provide that certain persons shall be exempt from the provisions of this Act; and to provide for the enforcement of this Act and prescribe criminal penalties for its violations.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Holmes, Proctor and Teague (With Amendment):

S. 204. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, pistol and such other equipment as the department may designate upon their retirement.

By Mr. Weeks (With Amendment):

S. 222. To amend § 33-5-17, Code of Alabama 1975, so as to increase boat registration fees.

By Mr. Mitchem (With Amendment):

S. 290. To amend Section 9-2-7, Code of Alabama 1975, which provides for powers and duties of the Commissioner of Conservation as to game, fish and seafood generally, so as to empower the commissioner to issue no more than 25 special permits for the purpose of promoting Alabama's outdoor recreation.

By Mr. Mitchem (With Amendment):

S. 296. To provide for the appointment of the director of the state parks division by the Advisory Board of the Department of Conservation and Natural Resources.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 218. To amend section 2-30-41 of the Code of Alabama 1975 which relates to the Alabama experiment station system, so as to provide for Sub-agricultural experiment stations; to provide for distribution procedures of any appropriations made for maintenance and operation of the experiment station system or of the Sub-agricultural experiment stations; and to repeal sections 2-30-60, 2-30-61 and 2-30-62 of the Code of Alabama 1975 which relate to the central artificial insemination unit.

By Mr. Bailey:

S. 313. To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 327 relating to the promotion of production, research and development of swine and swine products so as to provide for a change in the assessment and assessment limits to be levied for such promotion.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Mitchem:

S. 330. To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 315 relating to the promotion of production, distribution, improvement, marketing, use and sale of soybeans and soybean products so as to provide for a change in the assessment limits to be levied for such promotion.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Mitchem:

S. 331. To amend Section 2-8-9 and repeal Section 2-8-14 of the Code of Alabama 1975 providing for a promotional program for the production, marketing, use and sale of cattle so as to further provide for the length of the period of assessment after a referendum on that subject and to repeal provisions providing for an election by cattle owners not to pay an assessment.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hall:

S. 266. To amend further section 16-13-52, Code of Alabama 1975, relating to apportioning the school minimum program fund, so as to provide that the number of teacher units to be allowed shall be based on average daily membership rather than average daily attendance and one teacher unit shall be allowed for each 29.6 pupils enrolled.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald:

S. 113. To provide that any annually appropriated funds allocated to local boards of education, except funds specified to be spent for personnel salaries, may be transferred between and among line items, provided that such transfer shall not exceed twenty (20) percent of the amount appropriated for each line item and to further provide that such limitation shall not apply during years in which proration is declared.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried and Callahan (With Amendment):

S. 207. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the State Mental Health Officer, the Director of Finance, two designees of the Lieutenant Governor from the membership of the Alabama Senate and two designees of the Speaker of the House of Representatives from the membership of the said House to become a corporation to be known as the Alabama Mental Health Finance Authority; to prescribe the manner of formation of said Authority; to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to issue and sell bonds and to loan the proceeds thereof to the Alabama Mental Health Board for construction, reconstruction, alteration and improvement of buildings and other facilities, including the procurement of sites and equipment therefor, for mental health purposes in the State; to provide for the execution, form and terms of the bonds of the Authority; to provide that such bonds shall bear interest at a rate or rates not to exceed twelve percent (12%) per annum; to provide that such bonds and the interest thereon shall be payable solely from the revenues and receipts of the Authority under its loan agreements with the Alabama Mental Health Board and that such bonds shall nevertheless constitute negotiable instruments; to authorize the Authority to pledge and assign its loan agreements with the Alabama Mental Health Board as security for the payment of the principal and interest on the bonds of the Authority; to provide that such bonds shall not be debts or obligations of the State; to provide that such bonds and the income therefrom shall be exempt from taxation, and that such bonds may be used to secure deposits of funds of the State and its political subdivisions, instrumentalities and agencies and for

investment of fiduciary funds; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to provide that the State Treasurer or a corporate trustee shall be custodian of the funds of the Authority; to provide that all bonds of the Authority may be refunded by the issuance of refunding bonds; to authorize the Authority to borrow money for temporary use in anticipation of the issuance and sale of its bonds; to provide for exemption of the properties, income and filings of the Authority from taxation; to provide for disposition of funds and properties of the Authority when its bonds have been paid or provided for; and to provide for the dissolution of the Authority.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried and Callahan:

S. 208. To amend Section 22-50-1, Code of Alabama, 1975, by adding a definition of the Alabama Mental Health Finance Authority ("Authority") thereto; to authorize and empower the Alabama Mental Health Board ("Board") to enter into one or more loan agreements with the Authority under the terms of which the Board may borrow from the Authority proceeds of bonds issued by the Authority for the purpose of obtaining funds with which to pay for construction, reconstruction, alteration and improvement of buildings and other facilities for mental health purposes in the State, including the procurement of sites and equipment therefor; to authorize the Board to give promissory notes and other instruments and agreements to the Authority in connection with such loan agreements in order to evidence its obligation to pay to the Authority, in consideration of the loan or loans received by the Board, amounts sufficient to permit the Authority to pay the debt service on the bonds of the Authority secured by the particular loan agreement or agreements; to provide that other terms of loan agreements shall be determined by the board of directors of the Board; to provide that the obligations of the Board under such loan agreements and related instruments are exempt from all laws of the State governing usury or otherwise limiting interest rates; to provide that such obligations are solely obligations of the Board and are not obligations or debts of the State; to provide that no public hearing or consent of any body other than the board of directors of the Board is prerequisite to the entry by the Board into any loan agreement with, or the giving of any related instrument to, the Authority; to provide that to secure its obligations to the Authority under any loan agreements, the Board may pledge any and all of its revenues and receipts that are not prohibited by law from being so pledged, such revenues, however, to be so committed only when actually received by the Board, except that the Board may pledge anticipated revenues from specified taxes; to make an appropriation of portions of such taxes first for such purpose and secondly for other lawful purposes of the Board; and to direct the State Treasurer, from and after the entry by the Board into any loan agreement, to deposit the pledged revenues from the said taxes directly into any revenue fund, debt service fund or reserve fund established under any such loan agreement or any indenture relating to the bonds of the Authority.

By Messrs. deGraffenried and Callahan:

S. 209. To amend section 28-3-202 of the Code of Alabama, 1975, relating to the levy, collection and disposition of a tax on the selling price of all spirituous or vinous liquors sold by the Alabama alcoholic beverage control board, by deleting the provision therein directing that a remainder

portion of the proceeds derived from said tax be paid to the credit of the special mental health fund to be used for mental health purposes, including certain specified purposes, and substituting therefor a provision requiring that such remainder portion of the proceeds be used to pay the principal and interest, upon respective maturities, on the bonds issued pursuant to Act No. 377 of the 1959 Regular Session and the residue thereafter remaining be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such portion as would otherwise be paid directly to the board into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried and Callahan (With Amendment):

S. 210. To amend section 28-3-204 of the Code of Alabama, 1975, relating to the levy, collection and disposition of a tax on the selling price of all spirituous or vinous liquors sold by the Alabama alcoholic beverage control board, by deleting the provision therein directing that a portion of the proceeds derived from said tax be paid to the credit of the special mental health fund to be used for mental health purposes, including certain specified purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried and Callahan:

S. 211. To amend section 40-1-31 of the Code of Alabama, 1975, relating, in part, to the distribution of revenues derived from taxes levied under sections 40-21-56, 40-21-57, 40-21-58, 40-21-60, and 40-21-61, by deleting the

provision in subsection (1) of 40-1-31 directing that a portion of the revenues, after deduction of the cost of collection, be deposited in the special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into a one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of such loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

By Messrs. deGraffenried and Callahan:

S. 212. To amend section 40-23-50 of the Code of Alabama, 1975, relating to the levy and disposition of a privilege or license tax on the gross receipts of the business of certain highways and bridge contractors, by deleting the provision therein directing that a portion of the proceeds of said tax be paid to the credit of the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority; and to correct a typographical error in subsection (d).

By Messrs. deGraffenried and Callahan:

S. 213. To amend section 40-21-55 of the Code of Alabama, 1975, relating to the disposition of the receipts of a tax on the gross receipts of electric or hydroelectric public utilities levied under section 40-21-53, by deleting the provision therein directing that a portion of said tax be deposited in the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health

finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

By Messrs. deGraffenried and Callahan:

S. 214. To amend section 40-21-51 of the Code of Alabama, 1975, relating to the disposition of the receipts of an excise tax on the gross receipts of certain public utilities levied by section 40-21-50, by deleting the provision therein directing that a portion of said tax be deposited in the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

By Messrs. deGraffenried and Callahan:

S. 215. To amend portions of section 40-25-23 of the Code of Alabama, 1975, relating to the disposition of revenues of the privilege tax levied by section 40-25-2 on those who sell, store or receive tobacco products for distribution and the excise tax levied by section 40-25-41 on the storage, use or other consumption of tobacco products purchased at retail, by deleting any reference in said section 40-25-23 to the "general and mental health fund" and providing that the portions of the revenues of said taxes heretofore passing through the "general and mental health fund" before payment thereof to the Alabama mental health board and state health officer in the respective proportions and for the purposes provided, are appropriated to and shall be paid to the said board, or in some instances into designated funds, and said officer without passing through the aforesaid "general and mental health fund"; to delete any requirement that the mental health board devote any percentage of the revenues accruing to it under this section to provision of mental health services for the mentally retarded and to provide, instead, that such revenues shall be paid directly to the board, provided, however, that upon the by the board in one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any such loan agreement or agreements, the state treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or



agreements with the Alabama mental health finance authority; and to delete reference to a contingent distribution of a portion of revenues for the payment of principal and interest on bonds of the Alabama mental health building authority.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 54. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504

pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-409 pertaining to financing statements covering consigned or leased goods; Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act and to provide for an effective date.

By Mr. Teague:

S. 251. To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to the bond with sureties given for county and statewide notaries public, respectively, so as to increase the dollar amounts of such bonds.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Parsons, Miller, Vacca, Robertson, White, Mitchem, Teague, Callahan, Holmes, Harrison, Bailey, Taylor, Denton, Little, Martin, Glass, McDonald, Goodwin, Keener, Figures, Kirkland, Barron, Hilliard, Higginbotham, Britnell, Hall and deGraffenried (With Substitute) (With Amendment):

S. 100. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little (With Substitute):

S. 29. To amend Section 34-15-4, Code of Alabama 1975 relating to the duties of hotel owners, so as to provide that the hotel owners be required to install a smoke detector in each hotel room.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Proctor:

S. 99. To provide that any adult who is convicted of any felonious sexual offense upon a minor under the age of 16 shall not be eligible for parole.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cook (With Amendments):

S. 50. To provide that members of the national guard while on emergency state active duty and while actually performing a mission in connection with emergency state active duty, and when the Governor has declared that emergency powers are necessary, members of the national guard selected by the Adjutant General or his designated representative, shall be possessed with the same legal authority as any other state law enforcement officer, including but not limited to all law enforcement powers including powers of arrest and to further provide for the wearing of badges.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cook:

S. 52. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

By Messrs. Mitchem and Keener:

S. 219. To amend § 12-19-150, Code of Alabama 1975, to provide that in the interest of justice a judge may, in his discretion enter an order dismissing a case prior to trial, conditioned upon payment of the docket fee and other court costs; and to provide an effective date.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Martin:

S. 28. To amend Section 17-7-5.1 of the Code of Alabama 1975 so as to provide further for the time of holding elections in this state.

By Mr. St. John:

S. 141. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1980 session of the Legislature, with the exception of the Alabama Business Corporation Act (Act No. 80-633, H. 81, 1980 Regular Session), as contained in the 1980 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

By Mr. Denton:

S. 142. To provide an additional alternative procedure whereby incorporated municipalities in Classes 4, 5, 6, 7 and 8 of this state may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory upon petition of certain majority landowners of the area sought to be annexed; to require the furnishing of certain municipal services as a condition to assessing ad valorem taxation in the annexed area.

By Mr. Little:

S. 184. To create a State Department of Human Services, a State Board of Human Services, county departments of human services, and county boards of human services; to create the chief executive officer who shall be known as the Commissioner of the State Department of Human Services who shall exercise all the rights, powers, authority, and duties thereof; to define the powers and duties of the State Department, of the State Board, of the county departments, and of the county boards; to transfer and confer upon the Department of Human Services all the powers and duties now or hereafter vested in the Department of Pensions and Security; and to provide that the Department of Human Services be substituted for Department of Pensions and Security in any litigation pending to which the Department of Pensions and Security is a party.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Holmes (With Amendment):

S. 239. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-7-1, 34-7-4, 34-7-7, 34-7-11, 34-7-16, 34-7-17, 34-7-19, 34-7-21, 34-7-24, 34-7-40, and 34-7-46, Code of Alabama 1975; and to repeal Sections 34-7-8, 34-7-13, 34-7-14, 34-7-22, and 34-7-23, Code of Alabama 1975, so as to: Provide further for the definitions and add two (2) new definitions of "master cosmetologist" and "booth rentals"; provide further for the qualifications of applicants of the board; remove the test for syphilis on the physician's report of applicants; provide for biennial fees and authorize the board to increase fees up to certain amounts; exempt classes of public school boards of education and public trade schools from various provisions of article 7 of Title 34; provide further requirements of temporary licensing; authorize the board to prorate fees in the implementation of biennial licensing; remove subpoena power from board in relation to refusal, revocation or suspension of licenses or certificates; further define exempted occasional hair dressers who receive no compensation; provide all board members must be licensed cosmetologists and need not be at least 25

years of age; provide that board investigations must be initiated by a majority of the board members; and repeal various code sections which are either redundant or superfluous, or have served their intended purposes; and to eliminate county exemptions so as to provide for statewide application of article 7 of Title 34 of the Code of Alabama 1975.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 243. Relating to the Public Service Commission; amending Section 37-1-11 of the Code of Alabama 1975, relating to compensation for the president and associate commissioners so as to further provide therefor; providing for expense allowances for such officials payable from the general fund of the state treasury.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullede (With Amendment):

S. 283. To amend sections 10-2A-70 and 17-22-3 of the Code of Alabama 1975 relating to campaign contributions by corporations, so as to remove certain prohibitive language relating to the type of contributions that may be made by certain political committees.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullede:

S. 6. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Baldwin County.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Grouby (with notice and proof):

H. 332. Relating to Autauga County; to provide an expense allowance for the coroner.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin (With Amendments):

S. 317. To further regulate the sale of alcoholic beverages under the supervision of the Alabama Alcoholic Beverage Control Board in each municipality, in each county, and in all state parks; to authorize referendum elections in each municipality to determine if the sale of alcoholic beverages

within the corporate limits will be allowed or if the sale of alcoholic beverages within the corporate limits will be prohibited, upon the petition of 25% of the number of registered voters casting a ballot in the last municipal election in said municipality; to provide that a period of not less than 720 days must elapse between the dates of such referendum elections; to authorize the governing authority of each municipality to establish the hours of sale for alcoholic beverages in the corporate limits and the governing authority of the county to establish the hours of sale for alcoholic beverages outside the corporate limits but within the county each and every day of the week; to provide that the governing authority of each municipality must approve each retail alcoholic beverage license application location within the corporate limits and the governing authority of the county must approve each retail alcoholic beverage license application outside the corporate limits but within the county before the Alabama Alcoholic Beverage Control Board has the authority to issue a retail alcoholic beverage license; to provide that the Alabama Alcoholic Beverage Control Board may issue, with the approval of the Commissioner of the Department of Conservation and Natural Resources, a special retail license to any state park in Alabama or the franchisees or concessionaires of state parks; and to further provide that the Commissioner of the Department of Conservation and Natural Resources may establish the hours of sale of alcoholic beverages in state parks.

LOCAL BILLS ON THIRD READING

The Bill:

H. 86. Relating to Marengo County; authorizing the county commission to increase the mileage allowance of the county coroner and providing for its retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Pearson	Vacca
Callahan	Holmes	Proctor	Weeks
Cook	Keener	St. John	White
Denton	Little		

—25

Nays: —0

The Bill:

H. 251. Relating to St. Clair County; to further amend sections 3 and 9 of Act No. 243, H. 509, of the Regular Session of 1979 relating to a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board and who shall have the authority to suspend an employee for certain reasons.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	Proctor	
Bailey	Goodwin	Little	St. John	
Barron	Gulledge	Miller	Smith	
Britnell	Hall	Mitchem	Teague	
Cook	Hilliard	Parsons	Weeks	
Denton	Holmes	Pearson	White	
Figures	Keener			—25

*Nays:* —0

The Bill:

H. 252. Relating to St. Clair County; to provide for additional per diem payments to each member of the Board of Equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	Proctor	
Bailey	Goodwin	Little	St. John	
Barron	Gulledge	Miller	Smith	
Britnell	Hall	Mitchem	Teague	
Cook	Hilliard	Parsons	Weeks	
Denton	Holmes	Pearson	White	
Figures	Keener			—25

*Nays:* —0

The Bill:

H. 253. Relating to St. Clair County; amending Act No. 80-520, H. 1057, 1980 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to limit the mileage allowance to only the returning officer.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Miller	Smith	
Britnell	Hall	Mitchem	Teague	
Callahan	Hilliard	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Keener			—25

*Nays:* —0

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 45. COMMENDING THE HONORABLE JOE FOSS OF SOUTH DAKOTA.

ALBERT McDONALD,  
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

H. 69. To amend extensively the "Sunset Act of 1976", in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or nonenumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

The question was on Committee Amendment No. 1 reported by the Standing Committee on Governmental Affairs on the Fifth Legislative Day.



And said amendment to the Bill, H. B. 69, was then adopted by the Senate.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Denton	Lemaster	Parsons	
Bailey	Goodwin	Little	Smith	
Barron	Hall	Martin	Taylor	
Callahan	Higginbotham	McDonald	Vacca	
Cook	Holmes	Miller	White	
deGraffenried				—20

*Nays:* —0

The Standing Committee on Governmental Affairs then offered the following amendment to the Bill, H. B. 69, as amended, to-wit:

#### COMMITTEE AMENDMENT NO. 2 TO H. B. 69, AS AMENDED

Amend House Bill 69, page 15, line 30, by striking out the word "one" and inserting in lieu thereof the word "two"

On motion of Mr. Smith, said amendment was laid on the table.

Mr. Callahan offered the following amendment to the Bill, H. B. 69, as amended, to-wit:

#### AMENDMENT TO H. B. 69, AS AMENDED

Amend House Bill 69, as amended, page 16, by deleting ", modification" on line 5.

Further amend H. B. 69, as amended, page 16, by adding the following words "on termination or continuation of said agency" on line 18 after the word "debate".

Further amend H. B. 69, as amended, page 16, by adding the following words "which terminates or continues an agency and is" on line 24 after the word "bill".

Further amend H. B. 69, as amended, page 16, by adding the following words "on termination or continuation of said agency" on line 30 after the word "debate".

Further amend H. B. 69, as amended, page 16, by adding a new subsection to begin on line 36. The subsection to be added is as follows:

"(h) The debate limitations established under this section relate only to those bills that either continue or terminate an agency."

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Proctor	
Bailey	Higginbotham	Little	Robertson	
Barron	Holmes	McDonald	Smith	
Callahan	Keener	Miller	Vacca	
Denton	Kirkland	Pearson	White	

—19

*Nays:* —0

Mr. Bailey offered the following amendment to the Bill, H. B. 69, as amended, to-wit:

AMENDMENT TO H. B. 69, AS AMENDED

Amend House Bill No. 69, as amended, Page 15 Line 30, by striking out "one" and in inserting in lieu thereof the word "two"

Also:

Amend H. B. 69, as amended, Page 16 Line 7, by striking out "one" after the word "period of" and inserting the word "two"

Also:

Amend H. B. 69, as amended, Page 16 Line 10, by striking out "one" after the word "mean" and inserting the word "two"

Also:

Amend H. B. 69, as amended, Page 16 Line 11, by striking out "one" after the word "this" and inserting the word "two"

Mr. Pearson moved that said amendment be laid on the table, which resulted in a tie vote.

Yeas 13; Nays 13.

*Yeas:*

Messrs.:	Martin	St. John	Vacca	
deGraffenried	Pearson	Taylor	Weeks	
Goodwin	Proctor	Teague		—13
Higginbotham	Robertson			
Holmes				

*Nays:*

Messrs.:	Harrison	McDonald	Smith	
Bailey	Keener	Miller	White	
Barron	Kirkland	Parsons		—13
Denton	Little			
Hall				

The President and Presiding Officer of the Senate voted "Aye"; therefore, the motion to table prevailed.

Mr. Kirkland offered the following amendment to the Bill, H. B. 69, as amended, to-wit:

AMENDMENT TO H. B. 69, AS AMENDED

Amend House Bill No. 69, as amended, Page 2 Line 21, by striking out after the word units the word "or" and further on line 22 by striking the word "subunits"

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Lemaster	Proctor	
Bailey	Hilliard	Little	Robertson	
deGraffenried	Holmes	McDonald	Smith	
Denton	Keener	Miller	Taylor	
Goodwin	Kirkland	Mitchem	White	
Hall				—20

*Nays:* —0

And said Bill, H. B. 69, as thus amended, was read a third time at length and passed.

Yeas 30; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Robertson	
Bailey	Hall	Little	St. John	
Britnell	Harrison	Martin	Smith	
Callahan	Higginbotham	McDonald	Taylor	
Cook	Hilliard	Miller	Teague	
deGraffenried	Holmes	Mitchem	Vacca	
Denton	Keener	Pearson	White	
Goodwin	Kirkland	Proctor		—30

*Nays:* —0

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill, S. B. 72, and on motion of Mr. Smith, further consideration of the Bill and pending amendment was indefinitely postponed.

## REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Herman L. Harris to the Board of Trustees of Alabama State University.

Mr. Barron moved that the appointment of Mr. Harris be confirmed, which motion was lost.

Yeas 15; Nays 17.

*Yeas:*

Messrs.:	Higginbotham	Mitchem	Taylor
Barron	Lemaster	Pearson	Teague
Callahan	McDonald	St. John	Vacca
deGraffenried	Miller	Smith	White

—15

REGULAR SESSION  
6th Day

213

*Nays:*

Messrs.:	Goodwin	Holmes	Martin
Bailey	Gulledge	Keener	Parsons
Britnell	Hall	Kirkland	Proctor
Cook	Harrison	Little	Weeks
Figures	Hilliard		

—17

BILLS ON THIRD READING RESUMED

The Bill:

S. 42. To require that children under the age of five use a passenger restraint system in certain instances; to provide penalties for violation of the act.

was again taken up.

On motion of Mr. St. John, the Bill, S. B. 42, was recommitted to the Standing Committee on Judiciary for further consideration.

Yeas 14; Nays 12.

*Yeas:*

Messrs.:	Denton	McDonald	St. John
Bailey	Harrison	Miller	Smith
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Keener	Parsons	

—14

*Nays:*

Messrs.:	Holmes	Martin	Taylor
Britnell	Lemaster	Proctor	Vacca
Figures	Little	Robertson	White
Hall			

—12

MOTION IN WRITING

Mr. deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 152, on page 44 of the 6th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 152, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

S. 8. To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations. was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Denton	Higginbotham	McDonald
Bailey	Figures	Holmes	Miller
Britnell	Goodwin	Keener	Mitchem
Callahan	Gulledge	Lemaster	Parsons
Cook	Hall	Little	St. John
deGraffenried	Harrison	Martin	Taylor

—23

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 81. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Tuesday, February 17, 1981, we adjourn to meet again on Thursday, February 19; and when we adjourn on Thursday, February 19, we adjourn to meet again on Tuesday, February 24; and when we adjourn on Tuesday, February 24, we adjourn to meet again on Thursday, February 26; and when we meet on Thursday, February 26, we adjourn to meet again on Tuesday, March 3; and when we meet on Tuesday, March 3, we adjourn to meet again on Thursday, March 5; and when we meet on Thursday, March 5, we adjourn to meet again on Tuesday, March 17, 1981, all dates hereinabove set forth being in the year 1981.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

Mr. St. John offered the following substitute for the Resolution, H. J. R. 81, set out in the foregoing Message from the House, to-wit:

## SENATE SUBSTITUTE FOR H. J. R. 81

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Tuesday, February 17, 1981, we adjourn to meet again on Thursday, February 19; and when we adjourn on Thursday, February 19, we adjourn to meet again on Tuesday, February 24; and when we adjourn on Tuesday, February 24, we adjourn to meet again on Thursday, February 26; and when we meet on Thursday, February 26, we adjourn to meet again on Wednesday, March 4; and when we adjourn on Wednesday, March 4, we adjourn to meet again on Thursday, March 5; and when we meet on Thursday, March 5, we adjourn to meet again on Tuesday, March 17, 1981, all dates hereinabove set forth being in the year 1981.

Which was adopted.

And on motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 81, as thus amended, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Gafford, Biddle, Waggoner and Reed:

**H. J. R. 84. DEPLORING THE RUTHLESS MURDER OF YOUNG BLACKS IN ATLANTA, GEORGIA.**

WHEREAS, within the past 19 months, the City of Atlanta, Georgia, has been plagued with the disappearance of eighteen young Blacks, seventeen of whom have thus far been found brutally murdered at the hands of one or more sadistic killers; and

WHEREAS, regrettably, this series of heinous crimes in our neighboring state is yet another of ever increasing occurrences of repeated murders by maniacs whose less-than-human actions evidence the decadence of our society, brought on by failure in our homes and schools to instill even basic values in our children; and

WHEREAS, in fervent prayer that the person or persons responsible for the deaths of the children in Atlanta is soon apprehended, we further beseech a return to morality in our great nation which recognizes the sanctity of human life and attests to such through justice which swiftly punishes, in kind, the taking of another's life; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby express profound sorrow and regret in the slayings of seventeen young black children in the Atlanta area, and earnestly hope for a quick solution to these vicious murders.

**BE IT FURTHER RESOLVED,** That also we call for a return to the once high morality of our nation which was based on teachings in our homes, schools and churches that placed high values on human life and the rights of others, and on a system of justice which meted swift, harsh punishment to those who violated these fundamental rights.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 84, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Adams (C):

**H. J. R. 85. PROVIDING FOR POSTPONEMENT OF THE INTRODUCTION OF THE SPECIAL EDUCATIONAL TRUST FUND AND GENERAL FUND BUDGETS.**

WHEREAS, the present economic crisis has complicated state revenue projections for the 1981-82 fiscal year; and

WHEREAS, all necessary information concerning available state revenues for the next fiscal year is not available due to prospective changes in income due to savings and increased income; and

WHEREAS, the Alabama Legislature recognizes the complexities involved in preparing budgets in these inflationary times; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we hereby agree to postpone receiving the Governor's Special Educational Trust Fund and General Fund budgets until no later than the 9th legislative day.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

Mr. McDonald offered the following amendment to the Resolution, H. J. R. 85, set out in the foregoing Message from the House, to-wit:

#### AMENDMENT TO H. J. R. 85

Amend H. J. R. 85 Page 1 line 24 by striking the following "9th" and inserting in lieu thereof the following "7th"

Which was lost.

#### POINT OF PERSONAL PRIVILEGE

Mr. deGraffenried stated that when the vote was taken on the appointment of Mr. Herman Harris to the Board of Trustees of Alabama State University, his vote was recorded in error as "Aye"; he requested and was granted unanimous consent to have his vote changed to "Nay", resulting in a corrected vote total of Yeas 14, Nays 18.

#### MOTION TO ADJOURN LOST

At 12:40 P.M., Mr. Kirkland moved that the Senate adjourn sine die, which motion was lost.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 193. To give permanent status in the classified service under the Merit System Act to all persons employed under provisional appointments as Capitol Security Police Officers in the Department of Finance of the State of Alabama between the dates of June 13, 1979, and July 23, 1980, inclusive, who performed their duties satisfactorily during the period of their employment and to permit the director of finance to condition appointments made hereunder to the satisfactory completion of a six-month working test period and to make such appointments effective immediately after the completion of the working test period.

JOHN W. PEMBERTON,  
Clerk.

FURTHER CONSIDERATION OF H. J. R. 85

The Senate proceeded to further consideration of the Resolution, H. J. R. 85.

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 85, was then concurred in and adopted by the Senate.

Yeas 16; Nays 15.

*Yeas:*

Messrs.:	Denton	Martin	St. John
Barron	Glass	McDonald	Smith
Britnell	Keener	Miller	Teague
Cook	Lemaster	Robertson	White
deGraffenried			

—16

*Nays:*

Messrs.:	Hall	Little	Proctor
Bailey	Harrison	Mitchem	Taylor
Goodwin	Hilliard	Parsons	Vacca
Gulledge	Holmes	Pearson	Weeks

—15

RESOLUTION

Mr. Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 52. PERMITTING THE JOINT INTERIM COMMITTEE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION TO REPORT ON THE TENTH LEGISLATIVE DAY RATHER THAN THE SIXTH.

WHEREAS, Act 80-576, S. J. R. 181 of the 1980 Regular Session established a joint interim committee to study the reorganization of the Alabama Public Service Commission created by Act No. 80-119, H. J. R. 106 of the 1980 Regular Session and report its findings, conclusions and recommendations on or before the sixth legislative day of the 1981 Regular Session; and

WHEREAS, the complexity of this study has dictated the need for a time extension for the report of this committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee to study the reorganization of the Alabama Public Service Commission is hereby authorized to report on the tenth legislative day rather than the sixth.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as there in shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:



S. J. R. 40. CALLING FOR IMPLEMENTATIONS OF INTERIM  
COMMITTEE ON MEDICAID RECOMMENDATION.JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. White, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 40, set out in the foregoing Message from the House, to-wit:

## HOUSE SUBSTITUTE FOR S. J. R. 40

CALLING FOR IMPLEMENTATIONS OF INTERIM COMMITTEE  
ON MEDICAID RECOMMENDATION.

WHEREAS, Medical Services Administration, the agency designated by the Governor of the State of Alabama to administer Title XI (Medicaid) benefits in the State of Alabama, has limited inpatient hospitalization for the majority of Medicaid beneficiaries to fifteen plus five days, and

WHEREAS, MSA has enforced unjust limitations on the screening benefits provided under the federally mandated EPSDT program, and

WHEREAS, these limitations fail to provide essential care for neonatals in high risk nurseries as well as children below the age of twenty one years having what would be considered catastrophic illnesses, and

WHEREAS, it is the intent of the Alabama Legislature that essential care be provided to all Medicaid eligible children under the age of twenty one, and that it is cost effective to provide such care, and

WHEREAS, inpatient hospital stays are monitored for appropriateness by the state's Professional Standards Review Organization to assure MSA that the costs of care were in fact necessary, now therefore

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commissioner of MSA amend the State Plan to provide that all qualified medical providers are entitled to participate in the EPSDT program, and

BE IT FURTHER RESOLVED, That the hospital administered neonatal exam qualify as a screening exam, and

BE IT FURTHER RESOLVED, That all Medicaid and potentially Medicaid eligible children under the age of twenty one in the State of Alabama are entitled to all EPSDT benefits regardless of whether they are well or whether they present suspected conditions.

## MOTION TO ADJOURN LOST

At 12:55 P.M., Mr. St. John moved that the Senate adjourn until Tuesday, February 24, 1981, at 1:30 P.M., which motion was lost.

Yeas 9; Nays 18.

Yeas:

Messrs.:  
Bailey  
Britnell

deGraffenried  
Hilliard  
Lemaster

McDonald  
Robertson

St. John

—9

REGULAR SESSION  
6th Day

219

*Nays:*

Messrs:	Harrison	Little	Proctor
Barron	Higginbotham	Martin	Smith
Denton	Holmes	Miller	Teague
Goodwin	Keener	Mitchem	Vacca
Gulledge	Kirkland	Parsons	

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RECESS

At 12:58 P.M., on motion of Mr. St. John, the Senate took a recess until completion of the Joint Session.

JOINT SESSION

At 1 o'clock P.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the address of the Honorable Joe Foss.

The Session was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Joe Foss was escorted to the chair and delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, the Senate re-assembled in the Senate Chamber and was called to order by Lieutenant Governor McMillan.

ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

MOTIONS IN WRITING

Mr. Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 310, on page 48 of the 6th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 310, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Higginbotham offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 135, on page 40 of the 6th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 135, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 193. To give permanent status in the classified service under the Merit System Act to all persons employed under provisional appointments as Capitol Security Police Officers in the Department of Finance of the State of Alabama between the dates of June 13, 1979, and July 23, 1980, inclusive, who performed their duties satisfactorily during the period of their employment and to permit the director of finance to condition appointments made hereunder to the satisfactory completion of a six-month working test period and to make such appointments effective immediately after the completion of the working test period.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 109. Relating to Calhoun County; to levy a privilege or license tax upon the sale, distribution or storage of beer; to fix the amount or rate of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

Also:

H. J. R. 67. LEGISLATURE AGREEING TO POSTPONE RECEIVING THE GOVERNOR'S BUDGETS FOR ONE LEGISLATIVE DAY.

Also:

H. J. R. 68. MOURNING THE DEATH OF MR. RUFUS GLEASON HIBBETT, SR., PROMINENT FLORENCE, ALABAMA, EDUCATOR AND CIVIC LEADER.

Also:

H. J. R. 72. MOURNING THE DEATH OF MISS AMILEA PORTER, PROMINENT BLOUNT COUNTY EDUCATOR AND CIVIC LEADER.

Also:

H. J. R. 73. REQUEST FOR DELAY OF REPORTING DATE FOR JOINT INTERIM COMMITTEE RECREATING AN INTERIM COMMITTEE TO IMPLEMENT THE PURCHASE OF PROPERTY WITHIN THE CAPITOL COMPLEX.

Also:

H. J. R. 74. REQUEST FOR DELAY OF REPORTING DATE FOR JOINT INTERIM COMMITTEE TO STUDY NUCLEAR PLANTS AND TO MAKE RECOMMENDATIONS REGARDING A REGULATORY AGENCY.

Also:

H. J. R. 75. HONORING TUSKEGEE INSTITUTE ON THE CENTENNIAL OF ITS FOUNDING.

Also:

H. J. R. 77. NOTING NATIONAL CIRCLE K WEEK IN ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 86. Relating to Marengo County; authorizing the county commission to increase the mileage allowance of the county coroner and providing for its retroactive effect.

Also:

H. 251. Relating to St. Clair County; to further amend sections 3 and 9 of Act No. 243, H. 509, of the Regular Session of 1979 relating to a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board and who shall have the authority to suspend an employee for certain reasons.

Also:

H. 252. Relating to St. Clair County; to provide for additional per diem payments to each member of the Board of Equalization.

Also:

H. 253. Relating to St. Clair County; amending Act No. 80-520, H. 1057, 1980 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to limit the mileage allowance to only the returning officer.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 9. Relating to voter registration; to amend Code of Alabama 1975, Section 17-4-158, so as to require that all city clerks be appointed as deputy registrars.

was taken up.

On motion of Mr. Gulledge, consideration of the Bill, S. B. 9, was postponed until the next Legislative Day as Unfinished Business.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McMillan and Penry:

H. J. R. 82. COMMENDING HAROLD I. BRYARS, BALDWIN COUNTY, ALABAMA.

Also:

By Reps. McMillan and Penry:

H. J. R. 83. COMMENDING CLYDE MADISON STEELE, CITY CLERK, BAY MINETTE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Gulledge, the Rules were suspended and the Resolutions, H. J. R.'s 82 and 83, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 39. CALLING THE ATTENTION OF THE COURTS TO RECENT OBSERVATIONS OF CHIEF JUSTICE BURGER WITH REGARD TO OUR COURTS' DISPROPORTIONATE CONCERN FOR CRIMINAL SUSPECTS.

WHEREAS, with boundless elation and in fervent thanksgiving, the Alabama Legislature notes the recently publicized observations of Chief Justice Warren Burger with regard to our courts' disproportionate concern for criminal suspects, a current trend, and one of long years' standing, to mollycoddle criminals at the expense of law abiding citizens and innocent victims of violence; and

WHEREAS, in his remarks to a convention of the American Bar Association, Justice Burger also warned that crime has "permeated the fabric of American life," and that our nation's inflated crime rate "may be due in part to excessive concern for the rights of the accused," statements we wholeheartedly endorse as fact and frightening to contemplate; and

WHEREAS, in further concurrence with Mr. Burger's statements, we totally agree with his assessment that our entire criminal justice system is in need of change and, in our opinion, must begin with swift, hard punishment upon conviction and an immediate end to miscarriage of justice as it applies to victims rather than endless appeals to "claims of miscarriage of justice" by criminals once a conviction has been upheld; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call attention of both state and federal courts to Chief Justice Burger's opinions as recently expressed before the American Bar Association.

BE IT FURTHER RESOLVED, That the courts be notified of the Alabama Legislature's endorsement and support of Mr. Burger's call for reassessment and reform; we also advise said courts that changes must begin now to preserve the sanctity of life and security of our streets, our schools and our homes.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 39, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 69. To amend extensively the "Sunset Act of 1976", in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or nonenumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

By Rep. Manley:

H. J. R. 81. RELATIVE TO THE ADJOURNMENT OF THE TWO HOUSES.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Starkey, Green, Smith (M), Carter, Riddick, Gregg, Coburn, Goodwin and Stout:

H. J. R. 91. URGING ALABAMA ATTORNEY GENERAL CHARLES GRADDICK TO APPEAL THE RECENT RULING OF THE FIFTH CIRCUIT COURT OF APPEALS REGARDING THE LOCATION OF THE T.V.A. ADMINISTRATIVE HEADQUARTERS.

WHEREAS, the Tennessee Valley Authority Act of 1933 clearly and specifically required said corporation to locate and maintain its principal office in Muscle Shoals, Alabama; and

WHEREAS, in direct defiance of the provisions of this Act, administrative headquarters were located and have since remained in Knoxville, Tennessee; and

WHEREAS, on January 25, 1979, U. S. District Judge Frank H. McFadden issued an order directing that said TVA headquarters in Knoxville be moved to comply with the stipulation of the 1933 Act; and

WHEREAS, in an unprecedented mockery of justice, the U. S. Fifth Circuit Court of Appeals has just recently reversed the ruling of the lower court, a decision that is blatant in its total disregard of the provisions of the TVA Act of 1933, which is explicit in language and in congressional intent; and

WHEREAS, Alabama Attorney General Charles Graddick has indicated that he is considering an appeal of this unjust decision, which course of action we fully and vigorously support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strenuously urge Attorney General Charles Graddick to immediately file an appeal of the recent decision, exhausting all appellate remedies even to the Supreme Court of the United States.

BE IT FURTHER RESOLVED, That by copy of this resolution, Attorney General Graddick be immediately advised of our urgent recommendations of appeal and of our steadfast support in this matter.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Denton, the Rules were suspended and the Resolution, H. J. R. 91, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Gafford, Barton, Bennett, Blake, Brakefield, Cobb, Cosby, Crow, Gilmer, Gregg, Letson, McKee, McMillan, Olive, Pegues, Penry, Seibels, Smith (C), Smith (J), Willis, and Wyatt.

H. J. R. 87. DECLARING APRIL 20-26, 1981, AS VICTIMS RIGHTS WEEK IN ALABAMA.

WHEREAS, the reprehensible trend of our courts to protect the rights of criminals at all costs has resulted in an almost total disregard of the rights of crime victims and witnesses in our society; and

WHEREAS, it has become mandatory that public attention be focused on our duty, as a society, to improve the plight and restore the rights of crime victims in America; and

WHEREAS, the Legislature of the State of California has, for five years, adopted resolutions designating a Victims Rights Week as a means of championing the rights of innocent victims of vicious crimes; and



WHEREAS, the California Legislature has this year called upon each of the other 49 states to also so declare such observance and has further requested that President Reagan proclaim a National Victims Rights Week as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with our sister state of California, and hopefully with the entire nation, in observing Victims Rights Week in Alabama, April 20-26, 1981.

BE IT FURTHER RESOLVED, That we request all law abiding citizens in the State of Alabama and all state departments and agencies to assume a positive role in improving the plight of crime victims and their survivors by working to restore effectiveness to the administration of criminal justice in our state and nation.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 87, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Smith (C), Holley, Waggoner, Moore, Amari, Bennett, Owens, and Turnham.

H. J. R. 88. COMMENDING THE UNIVERSITY OF MONTEVALLO GOLF TEAM AND ITS COACH, DR. LEON DAVIS.

Also:

By Reps. Turnham, Hammett, Gilmer, Whatley and Carothers:

H. J. R. 90. HONORING JAMES L. LAWSON OF AUBURN, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 88, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 90, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harper (T):

H. J. R. 78. CREATING THE LEGISLATIVE JOINT INTERIM MOBILE COUNTY SCHOOL SYSTEM STUDY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a legislative joint interim committee to study, review and examine the Mobile County School System. Said committee shall be composed of the members of the House and Senate whose district or parts of district include Mobile County. The Chairman and Vice-Chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall adopt all necessary rules of procedure.

Said committee shall:

1. Examine the financial condition of said school system;
2. examine expenditures on non-academic functions by said school system;
3. review purchasing practices and procedures affecting said school system;
4. review fiscal policies and procedures of said school system;
5. examine the physical plant facilities of said school system;
6. examine the ratio of support personnel and administrative staff to teachers;
7. study the dissatisfaction of teachers with working conditions, administrative rules and availability of instructional materials; and
8. examine the maintenance of existing facilities.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Additional assistance shall be provided by the Legislative Reference Service, the Legislative Fiscal Office, the Department of the Examiners of Public Accounts, the Education Study Committee or any other public board, commission, committee or agency.

Said committee shall report its findings, conclusions and recommendations to the legislature not later than the 10th legislative day of the next regular session, at which time the committee shall be abolished.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 78, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama State University, Board of Trustees.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 19th day of February, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mayor Emory Folmar, Montgomery, Alabama (replacing Herman Harris) Term expiring January 31, 1986.

as a member of the Alabama State University, Board of Trustees.

Respectfully,

FOB JAMES,  
Governor.

Done this 19th day of February, 1981.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees to Alabama State University, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Dial:

H. J. R. 71. COMMENDING WOODROW B. THRASH, DIRECTOR OF THE CLEBURNE COUNTY AREA VOCATIONAL SCHOOL.

Also:

By Rep. Venable:

H. J. R. 79. EXPRESSING DEEP REGRET IN THE TRAGIC AND UNTIMELY DEATH OF JAMES KENNETH "KENNY" BURNETTE OF TITUS, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 71, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Harrison, the Rules were suspended and the Resolution, H. J. R. 79, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Daniels:

H. J. R. 89. PERMITTING THE JOINT INTERIM COMMITTEE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION TO REPORT ON THE TENTH LEGISLATIVE DAY RATHER THAN THE SIXTH.

WHEREAS, Act 80-576, S. J. R. 181 of the 1980 Regular Session established a joint interim committee to study the reorganization of the Alabama Public Service Commission created by Act No. 80-119, H. J. R. 106 of the 1980 Regular Session and report its findings, conclusions and recommendations on or before the sixth legislative day of the 1981 Regular Session; and

WHEREAS, the complexity of this study had dictated the need for a time extension for the report of this committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee to study the reorganization of the Alabama Public Service Commission is hereby authorized to report on the tenth legislative day rather than the sixth.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 89, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 159. To amend further § 11-41-1, Code of Alabama, 1975, as amended, relating to the incorporation of municipalities so as to increase the population requirements for the incorporation of an unincorporated community.

was taken up.

Mr. Cook offered the following amendment to the Bill, S. B. 159, to-wit:

## AMENDMENT TO S. B. 159

Amend Senate Bill No. 159 Page 2 Line 5, by striking out 1000 after the word "than" and inserting in lieu thereof the number "3000".

Which was lost.

Yeas 5; Nays 10.

Yeas: Cook, Higginbotham, Hilliard, Holmes, Kirkland.

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Nays:

Messrs.:	Lemaster	Robertson	Weeks	
Denton	Little	Smith	White	
Hall	Miller	Taylor		—10

On motion of Mr. Gulledge, further consideration of the Bill, S. B. 159, was postponed until the next Legislative Day as Unfinished Business.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointment for the Board of Trustees for Alabama State University.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 19th day of February, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I hereby with your permission recall the name of Emory Folmar as nominee to the Board of Trustees of Alabama State University and herewith resubmit the name of Herman Harris.

Respectfully,

FOB JAMES,  
Governor.

Done this 19th day of February, 1981.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Alabama State University, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolution, your signature thereto is requested.

H. 69. To amend extensively the "Sunset Act of 1976", in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or nonenumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

Also:

H. J. R. 84. DEPLORING THE RUTHLESS MURDER OF YOUNG BLACKS IN ATLANTA, GEORGIA.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 81. Relative to setting meeting dates from Tuesday, February 17, 1981 through Tuesday, March 17, 1981.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had granted the request of the Governor and reported the appointment of Mayor Emory Folmar to the Board of Trustees of Alabama State University back to the Senate.

And on motion of Mr. McDonald, the Senate complied with the request of the Governor and directed the Secretary to return said appointment to the Governor.

## ADJOURNMENT

At 3:50 P.M., on motion of Mr. McDonald, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bills, S. B.'s 9 and 159, the Senate adjourned until Tuesday, February 24, 1981, at 1:35 P.M.

## SEVENTH LEGISLATIVE DAY

TUESDAY, FEBRUARY 24, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Charles H. Douglass, Rector, St. John's Episcopal Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	

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## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Glass for today.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:



By Mr. deGraffenried:

S. 371. To require group health insurance policies, contracts and plans to provide certain benefits for the care and treatment of mental, emotional or nervous disorders, drug dependence, alcoholism, or mental retardation in licensed or certified programs and to provide for minimum levels of benefits.

Committee on Banking and Insurance.

By Mr. deGraffenried:

S. 372. To amend Section 8-1-1, Code of Alabama 1975, which prohibits contracts restraining business, so as to provide further for covenants not to compete within said contracts.

Committee on Business and Labor Relations.

By Mr. Hilliard:

S. 373. To provide for a supplemental appropriation to Lawson State Junior College.

Committee on Finance and Taxation.

By Mr. Keener:

S. 374. To amend Section 26-10-4, Code of Alabama 1975, relating to adoptions, so as to further regulate the opening by the state registrar of vital statistics of the sealed package, on file in his office, containing the original certificate of birth with the decree of the court, upon demand of an adopted child who has attained his majority.

Committee on Judiciary.

By Mr. Vacca:

S. 375. To amend Section 41-16-51, of the Code of Alabama 1975, so as to exempt from the provisions of said Act purchases made by Local Housing Authorities, organized and existing under Title 24 of the Code of Alabama 1975, from moneys other than those raised by state, county or city taxation or received through appropriations from state, county or city sources.

Committee on Finance and Taxation.

By Mr. Proctor:

S. 376. To establish the Recreation and Heritage Fund; to define terms used in this Act; to establish the procedures for assisting state, county and municipal agencies in planning, acquiring and developing recreational, historical, cultural and natural resources; and to provide for the administration of the Recreation and Heritage Fund program by the Department of Conservation and Natural Resources.

Committee on Governmental Affairs.

By Mr. Keener:

S. 377. To provide that any person who violates the vehicle load limitations as prescribed in Section 32-9-20 of the Code of Alabama 1975, as amended, shall be conclusively presumed to have damaged the public roads; to establish a schedule of damages to be assessed against such person; to provide a schedule of damages to be assessed against any person operating

under a permit authorized by Section 32-9-29 of the Code of Alabama 1975, as amended, who exceeds the limits allowed by such permit; to provide that the proceeds of such damages shall be credited to the public road and bridge fund to be expended in accordance with the provisions of Section 40-17-78 of the Code of Alabama 1975, by the State Highway Department or political subdivision having the responsibility of maintaining the road on which the violation occurred; to provide for administrative hearing; to provide for appeal to the Circuit Court; and to provide penalties for violation of the provisions of this act.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Keener:

S. 378. To authorize the Highway Director to administer programs relative to public transportation in rural and urban areas, to perform public transportation planning, to provide technical assistance to local entities for formulating public transportation projects, to assure that public transportation projects are in accordance with the comprehensive transportation planning process, to expend State funds apportioned by the legislature from time to time for public transportation, to develop and promulgate rules and regulations pertaining to public transportation, and to administer public transportation programs enacted by the Legislature of Alabama with such flexibility as is found to be in the public interest.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Keener:

S. 379. To amend Section 32-9-31 of the Code of Alabama 1975, relating to the procedure for measuring and weighing vehicles so as to provide further for such procedure.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Vacca:

S. 380. To provide that any justice or judge of the supreme court or a court of appeals who was holding office with such court on or before June 1, 1976, and who had time of service as a full-time state prosecutor or assistant prosecutor may have such service credited as time in a judicial position with the Judicial Retirement System; to provide that such credit shall be limited to 5 years; to provide that any such justice or judge may pay into the Judicial Retirement Fund a sum equal to 6% of his then annual salary for each year of such credit desired; and to further provide a one year period in which such election and purchase shall be completed.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 381. To remove raccoons and foxes from the category of fur-bearing animals.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Kirkland:

S. 382. To amend Section 9-11<sup>1</sup>-235.1 of the Code of Alabama 1975 so as to provide further for taking or hunting raccoons or opossums at night.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Weeks:

S. 383. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the alcoholic beverage control board; to prohibit and make unlawful delivery of alcoholic beverages from without the state to within the state, except to the Alabama alcoholic beverage control board and its licensed manufacturers, importers, wholesalers and to warehouses; to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

Committee on Business and Labor Relations.

By Mr. White:

S. 384. To amend Section 16-25-19, Code of Alabama 1975, relating to the composition of the Board of Trustees of the Teachers' Retirement System and procedures for the election of its members, so as to provide further for the appointment and election of the membership; to prescribe the responsibility for conducting, canvassing, and certifying elections to the board of control; and to provide further for voting procedures.

Committee on Education.

By Mr. Vacca:

S. 385. To amend sections 1-100, 3-110, 4-106, 5-107, and 9-102 of Act No. 80-434, S. 2, Regular Session 1980 (Acts of Alabama 1980, p. 604), entitled, "Alabama Rules of the Road Act" providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Committee on Judiciary.

By Mr. Smith:

S. 386. To amend Section 41-6A-3 of the Code of Alabama 1975, which provides for the creation and organization of the Alabama department of energy so as to remove the requirement that the director of the department be a member of the Alabama state employees retirement system; and to make correction in name of system.

Committee on Governmental Affairs.

By Mr. Weeks:

S. 387. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Weeks:

S. 388. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Messrs. Parsons, Robertson, Cook and Hall:

S. 389. To amend further Section 6-5-332, Code of Alabama 1975, relating to liability for civil damages as a result of rendering first aid or emergency care to certain injured persons, so as to include within the protective provisions of that section certain other persons rendering first aid or emergency care.

Committee on Judiciary.

By Mr. Keener:

S. 390. To provide for the regulation of professional dispensing opticians in Alabama; to create the Alabama Board of Dispensing Opticians and to prescribe its powers, duties, and operation; to define the practice of dispensing opticians; to provide for the examination and licensing of dispensing opticians, prescribing fees therefor, and to provide for the enforcement of the provisions of this Act, and the procedures for such enforcement.

Committee on Health and Welfare.

By Mr. White:

S. 391. To amend Section 34-9-7 of the Code of Alabama 1975 relating to the licensing and regulation of dentists and dental hygienists so as to further provide that dentists, dental hygienists and other personnel employed by any public health service which performs dental health care for the general public under programs funded in whole or part by the state or federal government shall be subject to all of the provisions of Title 34, Chapter 9 and the rules and regulations duly promulgated by the Board of Dental Examiners governing the practice of dentistry and dental hygiene in this state.

Committee on Health and Welfare.

By Mr. McDonald:

S. 392. To consolidate the administration of Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College under a single administration.

Committee on Education.

By Mr. Weeks:

S. 393. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of circuit judges in each judicial circuit, so as to provide that there shall be four circuit judges in the fifth judicial circuit and to require that no two such judges shall reside in the same county in said circuit.

Committee on Finance and Taxation.

By Mr. Britnell:

S. 394. To provide for the regulation of the practice of occupational therapy; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members, and their powers, duties and compensation; to provide requirements for licenses to practice occupational therapy; to prescribe qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this Act; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide penalties for violations of this Act; and to provide for appeal or review.

Committee on Health and Welfare.

By Mr. Britnell:

S. 395. To amend Code of Alabama 1975, Section 16-25-11, which relates to the Teachers' Retirement System; and Section 36-27-11 which relates to the Employees' Retirement System amending said sections so as to extend the period of eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1981, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

Committee on Finance and Taxation.

By Mr. Britnell:

S. 396. TO BE KNOWN as the State Employees' and Teachers' uniform Health Insurance Act, providing for amendments to the existing State Employees' Health Insurance Plan to provide a uniform health care plan for all state employees and full-time teachers employed in institutions providing instruction in any combination of grades K through 14; providing that 4-year state-supported institutions of higher education and any other employers covered by the teachers' retirement system may be covered under the provisions of this act by filing a duly executed petition with the state employees' and teachers' insurance board electing to assume the cost of their participation; providing for the coverage of persons retired under the teachers' retirement system or the employees' retirement system; providing for the election of four members representing public education to the state employees' and teachers' insurance board; providing authority for the board to include coverage for dental care and treatment under the state employees' and teachers' uniform health insurance plan, and providing a method for direct payment of premiums for persons otherwise eligible who are precluded from having the cost of their coverage deducted from a monthly benefit payment.

Committee on Finance and Taxation.

By Mr. Britnell:

S. 397. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

Committee on Finance and Taxation.

By Mr. Callahan (with notice and proof):

S. 398. Relating to Mobile County: To further amend Act 751, S. 599, P. 1609, Acts of Alabama of 1967, as amended, to provide for an increase in funds from the general funds of the several incorporated municipalities in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census for a county health department, including the acquisition of land, the erection, construction, extension, renewal and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates and to repeal all laws or parts of laws in conflict herewith.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 398, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Callahan:

S. 399. To provide for an additional \$3.00 fee to be charged on each and every quasi-criminal, criminal case and civil action docketed in the courts of the state; to provide that said fee shall be charged and collected as other costs; to provide that all receipts from said \$3.00 fee shall be paid into the "Fair Trial Tax Fund" and shall be in addition to all amounts presently paid into said fund; and to further provide that all receipts from this additional fee collected in the municipal courts shall be distributed in accordance with Section 12-19-251.1, Code of Alabama 1975.

Committee on Judiciary.

By Mr. Callahan (with notice and proof):

S. 400. Relating to Mobile County: To further amend Act 544, S. 602, P. 1294, Acts of Alabama of 1967, as amended, to provide for an increase in funds from the General Fund in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census, for a County Health Department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates, and to repeal all laws or parts of laws in conflict herewith.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 400, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Callahan (with notice and proof):

S. 401. Relating to Mobile County; to provide for the allocation of up to fifty percent (50%) of the proceeds of ad valorem tax funds levied and collected in accordance with the terms of Act. No. 319, H. 593, Regular Session 1976 (Acts 1976, p. 353), by the Mobile County Board of Health for general health purposes.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 401, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Callahan (with notice and proof):

S. 402. Relating to Mobile County, the Probate Judge shall not receive for record or permit the recording of any instrument, conveying title or any interest in real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 402, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Callahan (with notice and proof):

S. 403. To authorize the Tax Assessor of Mobile County to establish a certain salary schedule for all appointed positions in that office.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 403, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Vacca:

S. 404. To provide for certain intoxicated persons to be taken into protective custody; to prohibit the governing body of any county, municipality or other political subdivision from enacting any local law, ordinance or regulation prescribing that certain types of public intoxication is an offense subject to criminal penalties or sanctions; to prescribe the condition under which a policeman may take such intoxicated persons into protective custody; to exempt police officers and certain other persons, acting in good faith pursuant to this act, from civil damages or criminal liability as a result of rendering assistance or care to persons covered by this act; to preserve the constitutional rights of due process for persons taken into protective custody; to specifically repeal Section 13A-11-10 of the Code of Alabama 1975, which relates to public intoxication; and to provide that no other crime related to alcoholic beverages or intoxication is affected by the provisions of this act.

Committee on Judiciary.

## REPORTS OF COMMITTEES

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. White and Proctor:

S. 357. To amend Section 22-51-12, Code of Alabama 1975, relating to control of facilities provided for in Chapter 51 of Title 22, relating to regional mental health programs and facilities, so as to provide further for budget requests and accountability.

Mr Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Little (with notice and proof):

S. 318. Relating to Lee County; levying an additional ad valorem tax in the City of Auburn to be used for educational purposes and providing for a referendum.

By Rep. Gilmer (with notice and proof):

H. 172. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Glen Allen, in Fayette County.

By Rep. Gilmer (with notice and proof):

H. 173. Relating to Lamar County; to provide further for the compensation of certain election officers.

By Rep. Hammett (with notice and proof):

H. 268. Relating to Covington County; providing for an additional expense allowance for the members of the board of registrars of said county and providing for its retroactive effect.

By Rep. Hammett (with notice and proof):

H. 269. Relating to Covington County; to legalize the sale of draft or keg beer or malt beverages.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bailey:

S. 227. To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

By Mr. Bailey:

S. 228. To prohibit the formation of new Mutual Aid Associations under the provisions of §§ 27-30-1 through 27-30-33, Code of Alabama 1975.

By Mr. Bailey:

S. 234. To amend § 27-30-33, Code of Alabama 1975 requiring Mutual Aid Associations to follow the provisions of the Insurance Holding Company System Regulatory Act found in Chapter 29 of Title 27, Code of Alabama 1975.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:



By Mr. Bailey (With Amendment):

S. 236. To provide for a Life and Disability Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the association, to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

By Mr. Gullledge (With Amendment):

S. 240. To amend Section 5-5A-19, Code of Alabama 1975, which relates to the amount of reserve that a bank which is not a member of the Federal Reserve System is required to maintain and to repeal the provisions fixing minimum and maximum amount of required reserves.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Weeks:

S. 292. To amend Section 27-15-11, Code of Alabama, 1975, which relates to the reinstatement of lapsed life insurance policies, so as to make the maximum interest rate on amounts of overdue premiums and other indebtedness to the insurer, payable upon reinstatement, the same as the interest rate on policy loans as specified in the policy in accordance with Section 27-15-8, Code of Alabama, 1975.

#### MOTION IN WRITING

Mr. Holmes offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 204, on page 46 of the 7th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 204, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### RESOLUTION

Mr Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 53. REQUESTING OPINION OF THE ATTORNEY GENERAL RELATIVE TO THE GOVERNOR'S BUDGET.

WHEREAS, the appropriation of funds for the operation of state government is without serious question the most serious duty of the Legislative Department of government; and

WHEREAS, the importance of the legislative appropriation of funds for the operation of state government is dramatically increased when funds are in short supply; and

WHEREAS, all present projections of income for the operation of state government indicates that this legislature will be faced with a shortage of funds for the appropriations it makes this year; and

WHEREAS, the aforesaid shortage of funds will compel the legislature to expend more time than normal in the consideration of the appropriation process; and

WHEREAS, Alabama law, for almost fifty years, has recognized the grave importance of timely consideration of government funding by the legislature by requiring that, "Within five days after the convening of each regular business session of the legislature, the governor shall transmit to the legislature a document to be known as a budget, setting forth his financial program for each of the fiscal years which will have begun before the next succeeding regular session of the legislature (hereinafter referred to as 'budget years,' regardless of the number thereof) and having the character and scope hereinafter set forth," and by further providing that, "... an improper or illegal performance of any requirement of this article by the governor shall make him subject to impeachment." (Acts 1932, Ex. Sess., No. 37, p. 35; Section 41-4-82 and Section 41-4-96, Code of Alabama 1975); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Attorney General of the State of Alabama is hereby advised that on this the seventh legislative day of the 1981 Regular Session of the Alabama Legislature, the Governor of Alabama has not complied with the law as set out above requiring transmission of a budget document to the legislature, and the legislature does request the opinion of the Honorable Attorney General on the following important questions:

1. May the legislature, by resolution, extend the time requirements of Section 41-4-82, Code of Alabama 1975?

2. If your answer to question No. 1 is that the legislature may not alter the provisions of the law as set out in Section 41-4-82 by resolution, then, and in that event, please advise as to what procedural steps must be followed to satisfy the demands of Alabama law and its Constitution.

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of this Resolution to the Attorney General upon adoption of this Resolution.

Which was read and referred to the Standing Committee on Rules.

#### LOCAL BILLS ON THIRD READING

The Bill:

S. 6. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Baldwin County.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	Smith
Bailey	Harrison	Mitchem	Taylor
Barron	Hilliard	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Cook	Keener	Proctor	Weeks
Denton	Little	St. John	White
Figures			

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Nays:

—0

## The Bill:

H. 332. Relating to Autauga County; to provide an expense allowance for the coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Goodwin	McDoanld	St. John	
Barron	Hall	Miller	Taylor	
Britnell	Harrison	Mitchem	Vacca	
Callahan	Hilliard	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Keener			—25

## Nays:

—0

## UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 9. Relating to voter registration; to amend Code of Alabama 1975, Section 17-4-158, so as to require that all city clerks be appointed as deputy registrars.

On motion of Mr. Gulledge, further consideration of the Bill, S. B. 9, was postponed until the next Legislative Day as Unfinished Business.

## MESSAGE FROM THE HOUSE

## Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 71. COMMENDING WOODROW B. THRASH, DIRECTOR OF THE CLEBURNE COUNTY AREA VOCATIONAL SCHOOL.

Also:

H. J. R. 79. EXPRESSING DEEP REGRET IN THE TRAGIC AND UNTIMELY DEATH OF JAMES KENNETH "KENNY" BURNETTE OF TITUS, ALABAMA.

Also:

H. J. R. 87. DECLARING APRIL 20-26, 1981, AS VICTIMS RIGHTS WEEK IN ALABAMA.

Also:

H. J. R. 88. COMMENDING THE UNIVERSITY OF MONTEVALLO GOLF TEAM AND ITS COACH, DR. LEON DAVIS.

Also:

H. J. R. 89. PERMITTING THE JOINT INTERIM COMMITTEE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION TO REPORT ON THE TENTH LEGISLATIVE DAY RATHER THAN THE SIXTH.

Also:

H. J. R. 90. HONORING JAMES L. LAWSON OF AUBURN, ALABAMA.

Also:

H. J. R. 91. URGING ALABAMA ATTORNEY GENERAL CHARLES GRADDICK TO APPEAL THE RECENT RULING OF THE FIFTH CIRCUIT COURT OF APPEALS REGARDING THE LOCATION OF THE T.V.A. ADMINISTRATIVE HEADQUARTERS.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 82. COMMENDING HAROLD I. BRYARS, BALDWIN COUNTY, ALABAMA.

Also:

H. J. R. 83. COMMENDING CLYDE MADISON STEELE, CITY CLERK, BAY MINETTE, ALABAMA.

Also:

H. J. R. 85. PROVIDING THE POSTPONEMENT OF THE INTRODUCTION OF THE SPECIAL EDUCATIONAL TRUST FUND AND GENERAL FUND BUDGETS.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### UNFINISHED BUSINESS

#### BILLS ON THIRD READING RESUMED

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 159. To amend further § 11-41-1, Code of Alabama, 1975, as amended, relating to the incorporation of municipalities so as to increase the population requirements for the incorporation of an unincorporated community.

Mr. Kirkland offered the following amendment to the Bill, S. B. 159, to-wit:

#### AMENDMENT TO S. B. 159

Amend Senate Bill No. 159 Page 1, Line 25, by striking out after the word than the numbers "300" and inserting in lieu thereof the numbers "100".

#### MOTION IN WRITING

Mr. Vacca offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 35, on page 36 of the 7th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 35, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### FURTHER CONSIDERATION OF S. B. 159

The Senate proceeded to further consideration of the Bill, S. B. 159. The question was on the amendment offered by Mr. Kirkland.

On motion of Mr. Gullledge, said amendment was laid on the table.

Yeas 16; Nays 12.

*Yeas:*

Messrs.:	Hall	Martin	St. John
Barron	Higginbotham	McDonald	Smith
Callahan	Hilliard	Parsons	Taylor
Denton	Lemaster	Pearson	Weeks
Gullledge			

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*Nays:*

Messrs.:	Harrison	Kirkland	Proctor
Britnell	Holmes	Little	Robertson
deGraffenried	Keener	Miller	White
Figures			

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Mr. Miller offered the following amendment to the Bill, S. B. 159, to-wit:

#### AMENDMENT TO S. B. 159

Amend Senate Bill No. 159 page 1 Line 25, by striking out 300 and inserting 125 after the word Than.

Which was lost.

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Yeas 11; Nays 16.

*Yeas:*

Messrs.:	deGraffenried	Holmes	Miller
Bailey	Goodwin	Kirkland	Robertson
Britnell	Harrison	Little	White
—11			

*Nays:*

Messrs.:	Higginbotham	Martin	St. John
Barron	Hilliard	McDonald	Smith
Denton	Keener	Parsons	Taylor
Gulledge	Lemaster	Pearson	Teague
Hall			
—16			

Mr. Robertson offered the following amendment to the Bill, S. B. 159, to-wit:

AMENDMENT TO S. B. 159

Amend Senate Bill No. 159 Page 1 Line 25, by striking out 300 after the word "Than" and inserting "150".

Which was lost.

Yeas 12; Nays 14.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Miller
Bailey	Harrison	Martin	Robertson
Britnell	Holmes	McDonald	White
deGraffenried			
—12			

*Nays:*

Messrs.:	Hall	Mitchem	Taylor
Barron	Hilliard	Parsons	Teague
Denton	Keener	St. John	Weeks
Gulledge	Lemaster	Smith	
—14			

Mr. Robertson then offered the following amendment to the Bill, S. B. 159, to-wit:

AMENDMENT TO S. B. 159

Amend Senate Bill No. 159 Page 1 line 25, by striking out 300 after the word "Than" and inserting "175".

Which was adopted.

Yeas 14; Nays 13.

*Yeas:*

Messrs.:	Goodwin	Holmes	Miller
Britnell	Hall	Kirkland	Robertson
deGraffenried	Harrison	Little	White
Figures	Higginbotham	McDonald	
—14			

*Nays:*

Messrs.:	Hilliard	Mitchem	Taylor
Barron	Keener	St. John	Teague
Denton	Lemaster	Smith	Weeks
Gulledge	Martin		

—13

And said Bill, S. B. 159, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Smith
Bailey	Higginbotham	Martin	Taylor
Barron	Hilliard	McDonald	Teague
deGraffenried	Holmes	Miller	Vacca
Denton	Keener	Mitchem	Weeks
Goodwin	Kirkland	Robertson	White
Gulledge	Lemaster	St. John	

—26

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 332. Relating to Autauga County; to provide an expense allowance for the coroner.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 54. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventh legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 154	9	Water or utility sys., Co. Rev. Bonds, exempt.
S. B. 136	38	Equipt. management surplus res. acct., Hwy. Dept.

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S. B. 331	50	Cattle, Regu.
S. B. 163	17	Phys., oncology, cannabis, delete reg.
S. B. 104	36	Competitive Bid Law, Stat. of Limitation
S. B. 105	37	Competitive Bid Law, Contracts
S. B. 109	45	Wire fish baskets, marking
S. B. 68	20	Life ins. co.'s, clearing corp.'s & book-entry system
S. B. 219	73	Judges, can dismiss cases if fees paid
S. B. 116	22	Airport auth., powers
S. B. 207	52	AL. Mental Health Finance Auth., estab.
S. B. 208	54	AL. Mental Health Finance Auth., Bd. powers
S. B. 209	56	Mental Health, Al. Bev. Tax, remainder, retr. bonds
S. B. 210	58	Mental Health, Al. Bev. Tax, remainder, pd. direct
S. B. 211	59	Mental Health Bd., revenues dep., pay bonds
S. B. 212	61	Mental Health Bd., revenues der., Road & Bridge
S. B. 213	62	Mental Health Bd., diverted
S. B. 214	63	Mental Health Bd., diverted
S. B. 215	65	Mental Health Bd., disposition of revenue
S. B. 60	35	Period of silence in schools

Mr. White offered the following amendment to the Resolution, S. R. 54, to-wit:

AMENDMENT TO S. R. 54

RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventh legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 60	35	Period of silence in schools
S. B. 154	9	Water or utility sys., Co. Rev. Bonds, exempt.
S. B. 136	38	Equipt. management surplus res. acct., Hwy. Dept.



S. B. 331	50	Cattle, Regu.
S. B. 163	17	Phys., oncology, cannabis, delete reg.
S. B. 104	36	Competitive Bid Law, Stat. of Limitation
S. B. 105	37	Competitive Bid Law, Contracts
S. B. 109	45	Wire fish baskets, marking
S. B. 68	20	Life ins. co.'s, clearing corp.'s & book-entry system
S. B. 219	73	Judges, can dismiss cases if fees paid
S. B. 116	22	Airport auth., powers
S. B. 207	52	AL. Mental Health Finance Auth., estab.
S. B. 208	54	AL. Mental Health Finance Auth., Bd. powers
S. B. 209	56	Mental Health, Al. Bev. Tax, remainder, retr. bonds
S. B. 210	58	Mental Health, Al. Bev. Tax, remainder, pd. direct
S. B. 211	59	Mental Health Bd., revenues dep., pay bonds
S. B. 212	61	Mental Health Bd., revenues der., Road & Bridge
S. B. 213	62	Mental Health Bd., diverted
S. B. 214	63	Mental Health Bd., diverted
S. B. 215	65	Mental Health Bd., disposition of revenue

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 23; Nays 7.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Parsons
Callahan	Hall	Little	Pearson
deGraffenried	Harrison	Martin	St. John
Denton	Higginbotham	McDonald	Smith
Figures	Keener	Miller	Teague
Goodwin	Kirkland	Mitchem	Vacca

—23

*Nays:*

Messrs.:	Barron	Robertson	Weeks
Bailey	Holmes	Taylor	White

—7

Mr. White then offered the following amendment to the Resolution, S. R. 54, to-wit:

AMENDMENT TO S. R. 54

RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventh legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 241	22	Death Penalty
S. B. 154	9	Water or utility sys., Co. Rev. Bonds, exempt.
S. B. 136	38	Equipt. management surplus res. acct., Hwy. Dept.
S. B. 331	50	Cattle, Regu.
S. B. 163	17	Phys., oncology, cannabis, delete reg.
S. B. 104	36	Competitive Bid Law, Stat. of Limitation
S. B. 105	37	Competitive Bid Law, Contracts
S. B. 109	45	Wire fish baskets, marking
S. B. 68	20	Life ins. co.'s, clearing corp.'s & book-entry system
S. B. 219	73	Judges, can dismiss cases if fees paid
S. B. 116	22	Airport auth., powers
S. B. 207	52	AL. Mental Health Finance Auth., estab.
S. B. 208	54	AL. Mental Health Finance Auth., Bd. powers
S. B. 209	56	Mental Health, Al. Bev. Tax, remainder, retr. bonds
S. B. 210	58	Mental Health, Al. Bev. Tax, remainder, pd. direct
S. B. 211	59	Mental Health Bd., revenues dep., pay bonds
S. B. 212	61	Mental Health Bd., revenues der., Road & Bridge
S. B. 213	62	Mental Health Bd., diverted
S. B. 214	63	Mental Health Bd., diverted
S. B. 215	65	Mental Health Bd., disposition of revenue
S. B. 60	35	Period of silence in schools

On motion of Mr. St. John, said amendment was laid on the table.

Mr. Robertson offered the following amendment to the Resolution, S. R. 54, to-wit:

SUBSTITUTE FOR S. R. 54

RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventh legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 163	17	Phys., oncology, cannabis, delete reg.
S. B. 104	36	Competitive Bid Law, Stat. of Limitation
S. B. 105	37	Competitive Bid Law, Contracts
S. B. 109	45	Wire fish baskets, marking
S. B. 68	20	Life ins. co.'s, clearing corp.'s & book-entry system
S. B. 219	73	Judges, can dismiss cases if fees paid
S. B. 116	22	Airport auth., powers
S. B. 207	52	AL. Mental Health Finance Auth., estab.
S. B. 208	54	AL. Mental Health Finance Auth., Bd. powers
S. B. 209	56	Mental Health, Al. Bev. Tax, remainder, retr. bonds
S. B. 210	58	Mental Health, Al. Bev. Tax, remainder, pd. direct
S. B. 211	59	Mental Health Bd., revenues dep., pay bonds
S. B. 212	61	Mental Health Bd., revenues der., Road & Bridge
S. B. 213	62	Mental Health Bd., diverted
S. B. 214	63	Mental Health Bd., diverted
S. B. 215	65	Mental Health Bd., disposition of revenue
S. B. 60	35	Period of silence in schools.

MOTION TO ADJOURN LOST

At 3:55 P.M., Mr. Keener moved that the Senate adjourn until Thursday, February 26, 1981, at 11 o'clock A.M., which motion was lost.

Yeas 8; Nays 21.

*Yeas:*

Messrs.:	Goodwin	Keener	Robertson	
Bailey	Hall	Proctor	White	
Figures				—8

*Nays:*

Messrs.:	Denton	Kirkland	Parsons	
Barron	Goodwin	Lemaster	Pearson	
Britnell	Gulledge	Little	Smith	
Callahan	Harrison	McDonald	Taylor	
Cook	Higginbotham	Miller	Teague	
deGraffenried	Holmes			—21

#### FURTHER CONSIDERATION OF S. R. 54

The Senate proceeded to further consideration of the Resolution, S. R. 54. The question was on the amendment offered by Mr. Robertson.

Which was lost.

And on motion of Mr. McDonald, said Resolution was then adopted by the Senate.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 40. CALLING FOR IMPLEMENTATIONS OF INTERIM COMMITTEE ON MEDICAID RECOMMENDATION.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

#### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 154. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

On motion of Mr. White, further consideration of the Bill, S. B. 154, was postponed temporarily.

The Bill:

S. 136. To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Management Surplus Reserve Accounts; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Robertson
Bailey	Higginbotham	McDonald	St. John
Barron	Holmes	Mitchem	Smith
Cook	Keener	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Goodwin	Little	Proctor	White
Hall			

—24

Nays:

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Cosby, Pegues and Edwards:

H. J. R. 100. DESIGNATING SELMA AS THE ALABAMA TALE TELLIN' CAPITAL.

WHEREAS, in the Spring of 1979, a group of Selma citizens, the staff of the Selma-Dallas County Public Library and representatives of the Friends of the Library, who are interested in the age-old art of story telling, met to organize the Alabama Tale Tellin' Festival to be headquartered in Selma, Alabama; and

WHEREAS, the first Festival, sponsored by the Friends of the Selma-Dallas County Public Library, was held on October 13, 1979, in Lafayette Park, located on historic and unique Water Avenue in Selma, Alabama;

the Festival was held to coincide with the city's now famous and popular Riverfront Market Day as an addition to this occasion; and

WHEREAS, the well-known Folktellers, Connie Regan and Barbara Freeman from Ashville, North Carolina, were the headliners for the Festival, in addition to many well-known Alabama and local story tellers, with 1,200 people gathering to hear these tale tellers relate regional legends, accounts of strange creatures from nowhere, nostalgic recollections, and hilarious tall tales whose humor marks the folklore of most Southern story tellers; and

WHEREAS, Selma's own Kathryn Windham, celebrated Alabama author and tale spinner, standing before a bonfire on the banks of the Alabama River, ended the evening with her famous ghost stories; and

WHEREAS, due to the overwhelming success of this first festival, it became necessary to move to a new and permanent site which is in a field adjacent to Bloch Park; Jackie Torrence, a famous tale spinner from North Carolina, was the headliner that second year, telling her stories to 1,600 people; and

WHEREAS, The Alabama Tale Tellin' Festival is now a permanent organization with a board to establish policy and plan this unique program each year in Selma, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the City of Selma as the Alabama Tale Tellin' Capital.

BE IT FURTHER RESOLVED, That we respectfully request that Governor Fob James, by proclamation, also so designate the City of Selma in concurrence with our commendation and praise of this unique program promoting an age-old art in Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Goodwin, the Rules were suspended and the resolution, H. J. R. 100., set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Wyatt:

H. J. R. 102. NAMING THE NEW BRIDGE JUST SOUTH OF MONTGOMERY ON HIGHWAY 331, SPANNING THE CATOMA CREEK, THE "PETE PETERSON BRIDGE."

WHEREAS, John A. (Pete) Peterson, who was born in LaFayette, Indiana, on April 9, 1891, came to Montgomery at the outbreak of World War I for training at Taylor Field as a U.S. Army Signal Corps engineering officer; and

WHEREAS, he liked Alabama so well that he returned here after the war to make his home and to engage in the profession of bridge building; and became a successful and wealthy bridge builder, and a good citizen of his county, state, and nation; and

WHEREAS, he joined the newly organized Kiwanis Club of Montgomery in 1920 and made the club his "family," since he was unmarried; he remained a member for 48 years, and upon his death on July 14, 1968, left a net estate of some \$675,000 in trust with the Alabama National Bank of Montgomery, assigning to the Kiwanis Club the right to designate recipients of proceeds from the Pete Peterson Trust Fund for educational, charitable, and civic causes in Pete Peterson's adopted State of Alabama; and

WHEREAS, the Peterson Fund has already produced some \$330,000 that has been used for such purposes, and is now estimated to be worth \$775,000, and will continue to grow and produce increasing amounts of money to enrich the lives of the people of Alabama; and

WHEREAS, it seems appropriate that this generous citizen, Pete Peterson, be memorialized and honored by the State of Alabama; and

WHEREAS, the State of Alabama has recently completed a modern bridge just south of Montgomery on Highway 331, spanning the Catoma Creek; and

WHEREAS, it is commonly believed by friends and acquaintances of Pete Peterson that the first bridge he built in Alabama was one spanning the Catoma Creek; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the aforementioned bridge on Highway 331 spanning the Catoma Creek be, and is hereby, named the "Pete Peterson" Bridge in his honor and memory as a patriot and a citizen who was dedicated throughout his life to American greatness and to the cause of freedom for all mankind.

BE IT FURTHER RESOLVED, That an appropriate sign or marker be erected and maintained so designating said bridge, and that a copy of this resolution be sent to the Kiwanis Club of Montgomery.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 102., set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Adams (H):

H. J. R. 97. COMMENDING MR. HOWARD HALL OF CHEROKEE COUNTY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Keener, the Rules were suspended and the Resolution, H. J. R. 97, set out in the foregoing message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Mitchell, Barton, Owens, Clark (C), Manley, Howard, and Johnson (Roy):

H. J. R. 103. MOURNING THE DEATH OF DR. RALPH DEMPSEY BROWN OF TUSCALOOSA, ALABAMA.

Also:

By Reps. Turnham, Sandusky, Smith (C), Ward, Venable, Shoemaker, Johnson (R. G.), and Carothers:

H. J. R. 104. MOURNING THE DEATH OF COACH WILBUR HALL HUTSELL.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Robertson, the Rules were suspended and the Resolution, H. J. R. 103, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 104, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF S. B. 154

The Senate proceeded to further consideration of the Bill, S. B. 154.

Mr. Pearson offered the following amendment to the Bill, S. B. 154., to-wit:

AMENDMENT TO S. B. 154

Amend Senate Bill No. 154 page 2 line 11, by inserting after the word system, the following language. "No part of this act or any amendment enacted by virtue thereof, shall apply to Jefferson County, Alabama."

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cook	Gulledge	Hilliard
Barron	deGraffenried	Hall	Holmes
Britnell	Denton	Harrison	Keener
Callahan	Figures	Higginbotham	Little



McDonald  
Miller  
MitchemParsons  
Pearson  
ProctorRobertson  
St. John  
SmithTaylor  
Vacca  
White

—27

*Nays:*

—0

And said Bill, S. B. 154, as thus amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 2.

*Yeas:*Messrs.:  
Bailey  
Britnell  
Callahan  
deGraffenried  
Denton  
FiguresGoodwin  
Gulledge  
Hall  
Harrison  
Higginbotham  
Holmes  
KeenerLemaster  
Martin  
Miller  
Mitchem  
Parsons  
Pearson  
ProctorSt. John  
Smith  
Taylor  
Teague  
Vacca  
White

—26

*Nays:*

Messrs.: Barron and Little.

—2

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 55. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the eighth legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 331	50	Cattle, Regu.
S. B. 163	17	Phys., oncology, cannabis, delete reg.
S. B. 104	36	Competitive Bid Law, Stat. of Limitation
S. B. 105	37	Competitive Bid Law, Contracts
S. B. 109	45	Wire fish baskets, marking
S. B. 68	20	Life ins. co.'s, clearing corp.'s & book-entry system
S. B. 219	73	Judges, can dismiss cases if fees paid
S. B. 116	22	Airport auth., powers
S. B. 207	52	AL. Mental Health Finance Auth., estab.

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S. B. 208	54	AL. Mental Health Finance Auth., Bd. powers
S. B. 209	56	Mental Health, Al. Bev. Tax, remainder, retr. bonds
S. B. 210	58	Mental Health, Al. Bev. Tax, remainder, pd. direct
S. B. 211	59	Mental Health Bd., revenues dep., pay bonds
S. B. 212	61	Mental Health Bd., revenues der., Road & Bridge
S. B. 213	62	Mental Health Bd., diverted
S. B. 214	63	Mental Health Bd., diverted
S. B. 215	65	Mental Health Bd., disposition of revenue
S. B. 60	35	Period of silence in schools

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

- S. J. R. 5
- S. J. R. 6
- S. J. R. 7
- S. J. R. 8
- S. J. R. 9
- S. J. R. 10
- S. J. R. 11
- S. J. R. 13
- S. J. R. 14
- S. J. R. 15
- S. J. R. 17
- S. J. R. 18

Delivered to the Governor February 10, 1981, at 2:30 P.M.

- S. J. R. 4
- S. J. R. 16
- S. J. R. 25

S. J. R. 27

S. J. R. 28

S. J. R. 30

S. J. R. 31

S. J. R. 32

S. J. R. 33

Delivered to the Governor February 12, 1981, at 1:45 P.M.

S. J. R. 37

S. J. R. 38

S. J. R. 42

S. J. R. 43

S. J. R. 44

Delivered to the Governor February 17, 1981, at 3:50 P.M.

S. J. R. 45

Delivered to the Governor February 19, 1981, at 11:05 A.M.

S. B. 193

Delivered to the Governor February 19, 1981, at 1:05 P.M.

S. J. R. 40

Delivered to the Governor February 24, 1981, at 3:50 P.M.

McDOWELL LEE,  
Secretary.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### ADJOURNMENT

At 4:40 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 9, the Senate adjourned until Thursday, February 26, 1981, at 11:05 A.M.

## EIGHTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 26, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Charles Troncale, Associate Pastor, St. Bede's Catholic Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. St. John, the reading of the journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Keener:

S. 405. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees to \$25.00; to require annual renewal permit fees of \$25.00.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Teague:

S. 406. To amend Code of Alabama 1975, §40-12-248 (d) so that truck tractors used for the transportation of household goods, personal furniture, other household effects, farm produce, farm products and forest products will not be subject to the annual license taxes and registration fees set forth in §40-12-248 (d), supra.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Holmes:

S. 407. To amend Section 36-26-17 of the Code of Alabama 1975, so as to increase the number of eligibles an appointing authority may have to consider in filling vacancies by appointment from eligible registers.

Committee on Governmental Affairs.

By Mr. Callahan:

S. 408. To amend Sections 34-8-2, 34-8-4, and 34-8-5, Code of Alabama 1975, which relate to the licensing and regulation of general contractors, so as to provide further for said licensing.

Committee on Business and Labor Relations.

By Mr. Callahan:

S. 409. To provide further for the appointment and compensation of counsel for indigent defendants in the courts of this state; providing that the trial court judge shall utilize an affidavit of substantial hardship on a form prescribed by the supreme court in determining the fact of indigency; providing that the affidavit of substantial hardship shall become a part of the court record; providing that the compensation to be paid court appointed counsel shall be computed at the rate of \$20.00 per hour for time reasonably expended out of court and \$40.00 per hour for time expended in court; providing that the total fees awarded to any one attorney shall not exceed \$1,000.00 in cases in the trial courts, \$1,000.00 in cases appealed to the supreme court or court of criminal appeals, and \$600.00 in post conviction proceedings; providing that a convicted defendant may be required to reimburse the state for the fees of counsel appointed to represent him; further providing that monies collected from a convicted defendant for the fees of court appointed counsel shall be paid into the fair trial tax fund; and to amend §§ 15-12-5, 15-12-21, 15-12-22 and 15-12-23, Code of Alabama 1975.

Committee on Finance and Taxation.

By Mr. Hall:

S. 410. To amend Section 36-19-41 and Section 36-19-43, Code of Alabama 1975, as amended, so as to provide that the state fire marshal, law enforcement agencies, and insurance companies will make available to each other certain information regarding fire losses of real or personal property.

Committee on Banking and Insurance.

By Mr. Parsons:

S. 411. To amend Section 15-22-32, Code of Alabama 1975, relating to the holding of parole courts by the board of pardons and paroles for alleged parole violations, so as to provide further for the holding of such parole courts.

Committee on Judiciary.

By Messrs. Teague, Miller, Barron and Kirkland:

S. 412. To provide a bill of rights for utility consumers of this state; to provide for the declaration of public policy regarding the regulation of public utilities in this state; to provide the Alabama public service commission and the courts the power to effectuate said public policy; to provide criminal penalties relating to members and employees of said commission and persons, utilities and businesses regulated by said commission; to provide for admissibility of accomplice testimony in trials relating to the penalty provisions of this act; to provide for eligibility requirements, an oath of office and qualifications for members and employees of the Alabama public service commission; to provide for removal of members and employees of said commission; to provide for the formation of political committees in regard to elections of commission members; to provide registration and reporting requirements of said political committees; to require campaign finance disclosure in relation to elections of commissioners; to provide for implementation of disclosure and reporting requirements in relation to such elections; to provide criminal penalties for failing to file reports or statements or filing false reports or statements in regard to elections for public service commissioners; to provide criminal penalties generally in regard to elections for commissioners; to provide a code of ethics for members and employees of said commission; to provide rights of utility consumers to participate in hearings of said commission; to provide for utility consumers' right to reasonable rates and charges; to provide utility consumers the right to be protected against unwarranted exercise of the power of eminent domain; to provide utility consumers the right of access to utility service and the right of continuation of such service; to provide utility consumers with the right of access to non-utility property of utilities; to provide definitions for the purpose of this act.

Committee on Judiciary.

By Mr. Kirkland:

S. 413. To provide for a reorganization of the Alabama public service commission by increasing the membership of the commission and establishing an office of director of utility consumer representation; to provide means to carry out and enforce the declared public policy of preserving, protecting and promoting the interest of the using and consuming public in regard to the regulation of public utilities; to provide a bill of rights for utility consumers of the state; to provide for the declaration of public policy regarding the regulation of public utilities in this state; to provide criminal penalties relating to violations of this act by commissioners, employees of the commission, the director, employees of the office of the director and other persons, utilities and businesses regulated by the commission; to provide for admissibility of accomplice testimony in trials relating to the penalty provisions of this act; to provide for eligibility requirements and qualifications for commissioners, the director and employees; to provide for removal of commissioners, the director and employees; to provide for the formation of political committees in regard to elections of commissioners and the director; to provide registration and

reporting requirements of said political committees; to require campaign finance disclosure in relation to elections of commissioners and the director; to provide for implementation of disclosure and reporting requirements in relation to such elections; to provide criminal penalties for failing to file reports or statements or filing false reports or statements in regard to elections for commissioners and the director; to provide criminal penalties generally in regard to elections for commissioners and the director; to provide a code of ethics for commissioners, the director and employees; to provide rights of utility consumers to participate in hearings of the commission; to provide for utility consumers' right to reasonable rates and charges; to provide utility consumers the right to be protected against unwarranted exercise of the power of eminent domain; to provide utility consumers the right of access to utility services and the right of continuation of such service; to provide utility consumers with the right of access to non-utility property of utilities; to provide definitions for the purpose of this act; to amend and repeal certain provisions of Title 37, Code of Alabama, 1975; to provide new salaries for commissioners and the director; to provide a staff of employees for the director; to reduce and transfer the staff of employees of the commission; to provide for a legislative oversight committee for utility consumers; to provide powers, duties and responsibilities of commissioners and the director; to provide for the assignment of an assistant attorney general to represent consumers and the state in proceedings before the commission; to provide for rules of procedure for commission proceedings; to provide service of papers on the director; to provide the director with funds to represent the consuming public; to provide rights of appeal for the director; to provide bonds, meetings, domicile for the commission and the director; to provide for actions to enforce penalties of forfeitures; to provide for consumer intervention in proceedings before the commission; to provide subpoena powers for the director and the commission; to provide procedures for appeals of commission orders; to provide for rules and regulations of the commission and to provide the director with enforcement powers; to provide for valuation of utility property and to provide when such valuation may be made.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Britnell:

S. 414. To provide for the personnel classifications of conservation officers II and conservation officers III to correspond to the classifications of trooper lieutenant and trooper captain, respectively, and to require the salary range of such conservation officers to be the same as such troopers; and to make an appropriation to implement this act.

Committee on Finance and Taxation.

By Mr. Britnell:

S. 415. To provide subsistence allowance for police communication officers employed by the department of public safety, while on duty and to authorize expenditure of funds for that purpose.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 416. To provide that retired peace officers shall be exempt from all pistol permit fees.

Committee on Finance and Taxation.

By Mr. Barron:

S. 417. To amend Section 2-7-7, Code of Alabama 1975, which Section relates to a payment by the Alabama Agricultural and Industrial Exhibit Commission to the South Alabama State Fair Association for premiums, awards and prizes given at said Fair to exhibitors of cattle, sheep, goats, hogs, agricultural shows or exhibits, fine art shows, exhibits for 4-H Clubs, Future Farmers of America, and Future Homemakers of America, poultry and other types of exhibits so as to remove a limitation of \$10,000.00 which the said Section imposes.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Barron:

S. 418. To amend Section 36-27-23, Code of Alabama 1975, as previously amended, to provide for a tenth trustee of the Board of Control, who shall be a retired state employee and elected by the retired state employees.

Committee on Governmental Affairs.

By Mr. White:

S. 419. To define and regulate self-service facilities; to provide for a lien or property stored in such facilities; and to provide for the enforcement of said lien.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Kirkland:

S. 420. To provide for the distribution of biologicals for rabies, including prevention vaccine treatment and post-exposure prophylaxis, by the state health department; to provide for an annual conditional appropriation therefor from the general fund of the state treasury; to prescribe penalties for violations of the provisions of this act; and to authorize the state health department to establish, formulate, and enforce reasonable rules and regulations necessary to implement the provisions and purposes of the act.

Committee on Health and Welfare.

By Mr. Mitchem:

S. 421. To amend Section 40-20-5, of the Code of Alabama 1975, relating to oil and gas severance tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Mitchem:

S. 422. To amend Section 9-17-26 of the Code of Alabama 1975, relating to oil and gas 2% production tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

Committee on Commerce, Transportation,  
and Utilities.



By Messrs. Parsons, Robertson and Harrison:

S. 423. To amend Section 40-23-4, Code of Alabama 1975, which relates to exemptions from the state sales tax, so as to exempt the gross receipts on the sale of wood residue from such tax.

Committee on Finance and Taxation.

By Mr. Gulledge:

S. 424. To amend Section 2-22-9, Code of Alabama 1975, relating to the collection of inspection fees for commercial fertilizer; to allow the State Board of Agriculture and Industries to set the inspection fee at an amount no greater than \$.50 per ton.

Committee on Agriculture, Conservation,  
and Forestry.

By Messrs. Teague, Bailey, Smith, Goodwin, Parsons and Taylor:

S. 425. Relating to the reorganization of the Public Service Commission; the creation of the Legislative Oversight Committee on Utilities; creating the Alabama Public Staff Agency to represent consumer interests before the Public Service Commission, Hearing Examiners and the Courts; providing for appointment of the Executive Director of the Agency; providing for the organization, by duties and responsibilities of the Agency; providing further for the regulation of public utilities generally, their rates, service and operations; creating the Office of Hearing Examiners and provides for the appointment, duties and responsibilities of Hearing Examiners; provides for settlement of contested proceedings; and provides for the establishment of related salaries and budgeting.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Miller:

S. 426. To amend Section 37-1-80, Code of Alabama 1975, which provides for rates charged by utilities so as to provide further for said rates.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Teague:

S. 427. To amend Code of Alabama 1975, Sections 34-17-24 and 34-17-25, which relate to license fees and penalties for Landscape Architects in Alabama; to increase said fees and penalties to allow for increased costs of administration, to be effective retroactive to October 1, 1980.

Committee on Commerce, Transportation,  
and Utilities.

## RESOLUTIONS

Messrs. Proctor and Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 56. HONORING MRS. MARCIA M. SEARS UPON HER ELECTION AS PRESIDENT OF THE ALABAMA PRESS ASSOCIATION.

WHEREAS, The Alabama Legislature is pleased to note the election of Mrs. Marcia M. Sears as President of the Alabama Press Association for the term of office March 1, 1981 through February, 1982; and

WHEREAS, Mrs. Sears is a graduate of the University of Nebraska with a Bachelor of Arts Degree and studied additionally on a graduate level at the University of Southern California; she is editor of the Shelby County Reporter and also publisher of both the Childersburg Star and the Coosa Press; and

WHEREAS, her business interests extend further to include part ownership in WBYE-Radio, of which she is vice-president, and she is founder of the Meadowlark Nursery School; she also is a former Instructor of Foreign Languages at the University of Montevallo; and

WHEREAS, Mrs. Sears has served her profession as a member of the Journalism Foundation Board of the Alabama Press Association for a period of four years and as past chairman of the Journalism Hall of Fame of the Association; and

WHEREAS, not only is Mrs. Sears affiliated with numerous professional organizations but with a number of civil and fraternal organizations, as well; and

WHEREAS, upon assuming the Presidency of the Alabama Press Association, Mrs. Marcia Sears will be the first woman to so serve in the history of this organization; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and honor Mrs. Marcia M. Sears as President of the Alabama Press Association and as the first woman to hold this prestigious position.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Sears that she and her husband, Ralph W. Sears, and their family may know of our congratulations, sincere praise and high regard.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 57. HONORING COACH JOHN W. COX OF CHILDERSBURG, ALABAMA.

WHEREAS, one of Childersburg's most prominent and beloved citizens is Coach John W. Cox who last year retired following a coaching and teaching career which spanned more than three decades; and

WHEREAS, Coach Cox attended Snead Junior College, Jacksonville State Teachers College and the University of Alabama, earning his Master's Degree from Peabody College in Tennessee; he served in the United States Army during World War II, from 1942 to 1944, and for which service he was prestigiously awarded the Bronze Star and the Presidential Unit Citation; and

WHEREAS, his entire professional career was spent at Childersburg High School, beginning in 1947, when he organized the school's first football team and also reorganized the baseball team; his tenure as head football coach is distinguished by his 204-105-16 career record and a 1956 State Championship for Childersburg High; and

WHEREAS, Alabama's 1957 Coach of the Year, John Cox also was named Coach of the Year in Talladega County on nine separate occasions; and

WHEREAS, it is significant to note that during Coach Cox's 33-year tenure, there were 39 scholarships awarded to students of Childersburg High School, 35 of which were football grants-in-aid and, in 1978, the school's stadium was named in his honor, reflecting the gratitude of the town of Childersburg for his professional dedication; and

WHEREAS, a longtime member of the First United Methodist Church of Childersburg, Coach Cox is faithful in attendance and has further served his church as a member of the administrative board and is a Sunday School teacher of young people for many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and honor Coach John W. Cox and are deeply grateful for his longtime dedicated service as coach and teacher at Childersburg High School.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coach Cox in token of our appreciation and in evidence of our high regard.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. White, Smith, Bailey, Barron, Britnell, Callahan, Cook, deGraf-fenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Taylor, Teague, Vacca, and Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 58. COMMENDING MR. HOKE KERNS FOR EXTRAORDINARY SERVICE AS COMMISSIONER OF MEDICAL SERVICES ADMINISTRATION.

WHEREAS, in its desire to recognize individuals of extraordinary capabilities, the Legislature of Alabama notes with deep appreciation the outstanding service rendered the State of Alabama by Mr. Hoke Kerns as Commissioner of Medical Services Administration; and

WHEREAS, appointed to his position by Governor Fob James, Mr. Kerns took over the directorship of a department that had operated at a deficit for more than eight years; and

WHEREAS, during his tenure from July 1979 through September 1980, Commissioner Kerns, in keeping with his reputation for administrative excellence, rapidly reversed a situation of delinquency in accounts payable into one which now operates on a sound basis, paying all bills currently and as due; and

WHEREAS, eminently qualified in his field, Mr. Kerns was serving as Executive Vice President of Baptist Medical Center-Princeton, in Birmingham, when he accepted Governor James' appointment to oversee the Medicaid program in Alabama; his resignation was tendered to accept the position of President of the Alabama Hospital Association in which service we wish him every continued success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Hoke Kerns for outstanding service to the State of Alabama as Commissioner of Medical Services Administration.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Kerns as evidence of our warm praise, appreciation and high regard.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Starkey, Greer, Goodwin, Coburn, Bowling and Letson:

H. J. R. 108. NAMING HIGHWAY 157 FROM CULLMAN, ALABAMA, TO THE TENNESSEE STATE LINE, THE "UNIVERSITY OF NORTH ALABAMA HIGHWAY."

WHEREAS, the University of North Alabama is one of Alabama's larger four-year institutions of higher learning with an enrollment of some 5,300 students; and

WHEREAS, Highway 157 between Cullman, Alabama, and the Tennessee state line, is a main artery which not only leads to the University of North Alabama but actually traverses the University's campus; and

WHEREAS, the University of North Alabama is Alabama's only four-year institution located on or near said Highway 157; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate Highway 157 from Cullman, Alabama, to the Tennessee state line as the "University of North Alabama Highway," and direct that appropriate signs and markers be erected and maintained so designating said highway.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Denton, the Rules were suspended and the Resolution, H. J. R. 108, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Letson:

H. J. R. 96. URGING THE ALABAMA PUBLIC SERVICE COMMISSION TO DENY THE RATE INCREASE RECENTLY REQUESTED BY SOUTH CENTRAL BELL.

WHEREAS, currently before the Alabama Public Service Commission is a rate increase request filed February 9, 1981, by South Central Bell; and

WHEREAS, if granted by the Public Service Commission, the additional charges requested by South Central Bell would amount to some \$200 million for this utility's subscribers; and

WHEREAS, it is the consensus of the Legislature that there is no justification whatsoever for this additional financial burden on families in Alabama whose utility bills already consume a grossly disproportionate share of their incomes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the Alabama Public Service Commission to reject in its entirety the rate increase filed by South Central Bell and currently before the commission.

BE IT FURTHER RESOLVED, That a copy of this resolution be dispatched to Mr. Billy Joe Camp, President of the Alabama Public Service Commission, to advise the commission of the Legislature's opposition to the aforementioned rate increase.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 96, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Manley, Bowling, McCorquodale, Owens, Gilmer, Waggoner, Carothers, Turner, Barton, Shoemaker, Sasser, Blake, Ward, Wyatt, Cosby, Roberts, Daniels, Willis, Moore, Dial, Turnham, Kelley, Gafford, Venable, Clark (G), Campbell, Cooley, Patton, Zoghby, Parker, Stewart, Cates, Dixon, Laird, Williams, Holley, Minus, Drinkard, Smith (C), Carter, Brakefield, Naramore, Whatley, Harvey, Payne, Olive, Trammell, Cheatwood, Hammett, Lewis, Amari, Gregg, Riddick, Greer, Cobb, Hall, Johnson (R. G.), Mitchell, Cabaniss, McKee, McMillan, Smith (M), Ford, Harper (O), Harper (T), Johnson (Roy), Adams (C), Grimsley, Rains, Seibels, Penry and Boles:

H. 297. To define capital offenses; to provide for a sentence of life imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for appellate review of convictions and sentences in cases in which defendants are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions for use in cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary re-interpreted; to provide for severability; to specify the way the act is to be applied if the death penalty provisions of it are

declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, § 13-11-1 through § 13-11-9, also codified as § 13A-5-30 through § 13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 297. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gilmer (with notice and proof):

H. 420. Relating to Fayette County; to provide further for the compensation of certain election officers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 420, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Starkey and Greer (with notice and proof):

H. 443. Relating to the Eleventh Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally, or upon appeals to the circuit courts from lower courts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 443, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 420 and 443. To the Committee on Local Legislation No. 1.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 31. Relating to Baldwin County; providing for an increase in compensation for members of the board of registrars.

Also:

S. 32. Relating to Baldwin County; providing for an additional allowance for election officials who work at polling places.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 97. COMMENDING MR. HOWARD HALL OF CHEROKEE COUNTY, ALABAMA.

Also:

H. J. R. 100. DESIGNATING SELMA AS THE ALABAMA TALE TELLIN' CAPITAL.

Also:

H. J. R. 102. NAMING THE NEW BRIDGE JUST SOUTH OF MONTGOMERY ON HIGHWAY 331, SPANNING THE CATOMA CREEK, THE "PETE PETERSON BRIDGE."

Also:

H. J. R. 103. MOURNING THE DEATH OF DR. RALPH DEMPSEY BROWN OF TUSCALOOSA, ALABAMA.

Also:

H. J. R. 104. MOURNING THE DEATH OF COACH WILBUR HALL HUTSELL.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## RESOLUTION

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 59. COMMENDING WESLEY LANCE LAIRD FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

WHEREAS, Wesley Lance Laird, a student at Lurleen B. Wallace State Junior College, is to be most highly commended for outstanding academic achievement; and

WHEREAS, a graduate of Florala High School, he maintained a grade point average of 95 while, at the same time, participating in numerous school activities; he was Class Salutatorian, newspaper staff editor, Who's Who Among American High School Students, member of the National Beta Club, accompanist for the Florala High Chorus and Ensemble, vice president of both the Florala and Covington County Chapters of FFA, and was Alabama State 4H president; and

WHEREAS, since his matriculation at Lurleen B. Wallace State Junior College, Wesley Laird has become a member of Phi Theta Kappa honor fraternity, Phi Beta Lambda Business Club and Mu Alpha Theta Math Society; he also is vice president of the Collegiate Civitans, Who's Who Among American Junior College Students and has attained an overall 3.917 grade point average of a possible four points; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That for outstanding academic achievement and active participation in extracurricular affairs, we most highly praise and commend Wesley Lance Laird of Florala, Alabama, to whom a copy of this resolution shall be sent.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

LOCAL BILLS ON THIRD READING

The Bill:

S. 318. Relating to Lee County; levying an additional ad valorem tax in the City of Auburn to be used for educational purposes and providing for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	Smith
Bailey	Gulledge	Mitchem	Taylor
Barron	Hall	Parsons	Teague
Britnell	Higginbotham	Pearson	Vacca
Cook	Holmes	Proctor	Weeks
Denton	Keener	St. John	White
Figures	Little		

—25

Nays: —0

The Bill:

H. 268. Relating to Covington County; providing for an additional expense allowance for the members of the board of registrars of said county and providing for its retroactive effect.



was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	Smith	
Bailey	Goodwin	Little	Taylor	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Parsons	Vacca	
Cook	Hilliard	Pearson	Weeks	
Denton	Holmes	Proctor	White	
Figures	Keener			—25

*Nays:*

—0

The Bill:

H. 269. Relating to Covington County; to legalize the sale of draft or keg beer or malt beverages.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith	
Bailey	Gulledge	Miller	Taylor	
Britnell	Hall	Parsons	Teague	
Callahan	Hilliard	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Figures	Keener	St. John	White	
Glass	Kirkland			—25

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford (with notice and proof):

H. 51. Relating to Etowah County; providing for an additional allowance for election officials who work at polling places.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 51, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Shavers, Hall and Stout (with notice and proof):

H. 316. Relating to the city of Scottsboro in Jackson County; to authorize the city governing body to establish a historic preservation commission and to adopt ordinances and regulations to protect historic architectural

character and preserve the general historic character of the city by allowing the designation of historic districts, areas, and sites and adopting other provisions necessary to carry out the purposes of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 316, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Carothers, Grimsley and Daniels (with notice and proof):

H. 421. To create the office of license commissioner in Houston County; to provide for his appointment; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 421, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 492. Relating to Cleburne County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 492, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 493. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 493, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 494. Relating to Cleburne County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 494, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 495. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 495, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. McCorquodale (with notice and proof):

H. 519. To provide for an increase of \$10.00 in the court costs which may lawfully be imposed upon conviction, in the municipal court of the Town of Grove Hill, for violation of any municipal ordinance, in addition to all such costs presently authorized by law and to provide that such additional sums be paid into the general fund of the Town of Grove Hill and used by it for promotion of law enforcement.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 519, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 51, 316, 421, 492, 493, 494, 495, and 519. To the Committee on Local Legislation No. 1.

### REPORTS OF COMMITTEES

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Martin and Britnell (With Substitute):

S. 302. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

By Messrs. Parsons, Proctor, White, Robertson, Cook, Holmes, Gullledge, Little, Bailey, Barron, Hall, Mitchem, Keener, and Denton (With Substitute):

S. 200. To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools; to provide penalties for failure to report said incidents; and to provide for an effective date.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. deGraffenried:

S. 34. To provide that any person, who is a retired teacher and retired under the provisions of the Teachers' Retirement System of Alabama, and who subsequent to said retirement becomes the Acting President of the University of Alabama, may elect to resume his participation in the Teachers' Retirement System of Alabama.

By Mr. Keener:

S. 166. To amend Sections 16-24-7 and 16-24-10, Code of Alabama, 1975 relating to hearings before the Alabama State Tenure Commission.

By Mr. Little:

S. 188. To amend §16-24-31, Code of Alabama, 1975 as amended, to provide that not more than two members of the state tenure commission may be appointed from any one congressional district.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 132. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (With Substitute):

S. 144. To amend Sections 11-52-74 and 11-52-77, Code of Alabama 1975, which Sections relate to procedure for adoption of zoning ordinances, so as to provide that a synopsis of any proposed ordinance be published or posted and notice be given of the time and place that the ordinance is to be considered by the municipal legislative authorities and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried and Robertson:

S. 147. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to remove the limitations of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

By Messrs. deGraffenried and Robertson:

S. 148. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to remove the limitations of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Code of Alabama 1975; to provide an effective date.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (With Amendment):

S. 151. To amend § 41-4-156, Code of Alabama, 1975, to add the municipal clerks of incorporated municipalities to the list of persons receiving acts of the Legislature.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Weeks:

S. 220. To provide procedure whereby any project approved as an undertaking to be acquired by any industrial development board incorporated under Title 11, Chapter 54, Article 4 of the Code of Alabama 1975 may be disapproved within a limited time by the governing body of the municipality whose consent for the incorporation of such board is required if such project is located within the corporate limits of such municipality.

By Mr. Pearson:

S. 254. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901; which Section defines general, local and special or private laws; to validate and confirm Act 79-263 (House Bill No. 68) which Act established eight classes of municipalities and each and every act enacted which refers or relates to a class of municipalities established under the provisions of Act No. 79-263.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Dial and Ford:

H. 54. To amend Section 31-2-60, Code of Alabama 1975, which provides for the organization of the military department; qualifications, appointment, rank, etc., of employees of the military department; applicability

of merit system to department officers and employees so as to further provide for the number of assistant adjutants general for army that are authorized by National Guard Bureau rules and regulations.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 65. To reopen the state employees' retirement system for persons who served as sheriff and also as county road commissioner for a prescribed period; to provide that such persons shall be eligible in such retirement system regardless of supernumerary status or status in any other pension plan; to prescribe the manner that such person shall pay into the retirement system; to provide for the employer's cost; and to prescribe the time for applying for participation in such retirement system.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Holmes, Keener, Britnell, Robertson, Mitchem, Barron, Denton, Lemaster, Harrison, Parsons, Martin, Hall, Gulledge, Vacca and Cook (With Amendment):

S. 106. To amend § 40-17-220, Code of Alabama, 1975 to provide that purchases of gasoline, motor fuel and lubricating oil by city and county boards of education shall be exempt from taxation under the levy provided for in § 40-17-220, Code of Alabama, 1975.

By Messrs. Callahan and Denton (With Amendment):

S. 118. To amend Section 40-5-9 of the Code of Alabama 1975, relating to ad valorem taxation so as to provide a ten percent (10%) penalty for the delinquent payment of same and to increase the interest due thereon.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Mitchem, Smith, Goodwin and Denton:

S. 123. To make a supplemental appropriation for the use of the State Department of Corrections for payment to the several counties for a portion of expenses incurred for the housing and confinement of state prisoners in county jails and to make such appropriation conditional upon the condition of the State General Fund and upon the approval of the Governor.

By Mr. Martin:

S. 179. To amend Section 41-16-52, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to increase the present limits on expenditures for repair or lease of heavy duty off-highway construction equipment that may be made without the requirement of competitive bids being taken from \$1,500 to \$6,000 on parts and repair and from \$1,500 to \$3,000 per month on the lease of such equipment.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Robertson and Barron (With Amendment):

S. 198. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson (With Substitute):

S. 297. To further amend Section 40-23-5 of the Code of Alabama 1975, so as to make further exemptions from state, county or municipal taxes for all Goodwill Industries wherever located in Birmingham, Alabama.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Barron:

S. 327. To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize any state employee or retired person or beneficiary under any retirement system administered by the state to elect to have funds for his salary or retirement allowance electronically transferred for deposit in the bank of his choice.

By Rep. Cates:

H. 11. To amend § 40-18-74, Code of Alabama 1975, to require certain employers to remit to the Department of Revenue on a monthly basis the amount of income tax required to be deducted and withheld from the wages of their employees.

By Rep. Owens:

H. 31. To amend Section 32-6-1 of the Code of Alabama 1975, relating to drivers' licenses and the renewal of such licenses, so as to prescribe that the department of public safety shall mail renewal notices to each licensee at least thirty days prior to the expiration date.

By Rep. Adams (C):

H. 59. To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery

and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Management Surplus Reserve Account; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 38. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to delete the language that one of the judges in the fourth circuit be the presiding judge.

By Mr. Hilliard:

S. 311. To limit the liability of certain persons and organizations that donate and distribute food free of charge.

By Mr. deGraffenried:

S. 250. To Amend Sections 2, 7, 8, 15, 23, 48, 62, 67, 73, 75, 76, 78, 79, 80, 96, 101, 104, 106, 114, 121, 136, 139, 162, 163, 169 and 190 of Act No. 80-633, H. 81, Regular Session 1980 (Acts of Alabama 1980, p. 1094) as amended, known as "The Alabama Business Corporation Act" and to repeal Section 51 of said Act No. 80-633.

By Mr. deGraffenried:

S. 206. To amend section 26-11-2, Code of Alabama 1975, relating to legitimation of children so as to provide the mother of a child and the child with notice, appointment of a guardian ad litem, and a hearing before legitimation by the father occurs; and to amend section 26-11-3, Code of Alabama 1975, in order to provide the mother of the child and the child with notice, appointment of a guardian ad litem, and a hearing before a name change takes effect.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Keener (With Amendment):

S. 196. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the legislative council to be the committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.



Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. deGraffenried:

S. 146. To amend Sections 12-16-58, 12-16-70, 12-16-74, 12-16-76, 12-16-100 to provide for the drawing, selecting, empaneling, and summoning of juries in both civil and criminal cases; to provide a random selection formula for filling the master jury box; to abolish the requirements of a special venire and that excusals be heard in the presence of the defendant; to provide for a minimum number of qualified jurors from which to strike in criminal cases and to provide for the number of strikes available to the district attorney and the defendant; and further to provide for an optional combined qualification and summons process from the master list that, notwithstanding any provisions of Title 12, Section 16, Code of Alabama 1975, which eliminates the master jury box and modifies the juror qualification process; to provide for computerization of the selection process; and to repeal Sections 12-16-71, 12-16-75, 12-16-77, 12-16-79, 12-16-102, 12-16-120, 12-16-121, 12-16-122, 12-16-123, 12-16-124, 12-16-125, 12-16-126, and 12-16-127, Code of Alabama 1975.

By Mr. Britnell:

S. 303. To amend Section 32-6-1 of the Code of Alabama 1975, relating to drivers' licenses and the renewal of such licenses, so as to prescribe that the department of public safety shall mail renewal notices to each licensee at least thirty days prior to the expiration date.

By Mr. Miller:

S. 91. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits retired probate judges from practicing law.

By Mr. Kirkland:

S. 30. To recognize the right of an adult person to make a written directive instructing his physician to withhold life-sustaining procedures in the event of a terminal condition; to prescribe the procedure for executing such directive.

By Mr. Teague:

S. 131. To amend Section 13A-14-5, Code of Alabama 1975, to further regulate the solicitation of advertisement by any person, firm, corporation, State or Federal Peace Officers Association for any Peace Officers Magazine or Journal, to provide penalties for violation of this Act.

By Mr. Pearson:

S. 298. To prescribe that all state agencies, not a part of or connected by law with the legislative or judicial branches of state government, shall be bound by and adhere to any official opinion of the state attorney general relative to the operation of state government or interpreting statutes or laws, until later superseded, repealed, modified, or overruled by the state attorney general or court of competent jurisdiction.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Taylor (With Amendments):

S. 262. To amend section 25-4-91, The Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, so as to permit a claim to be reopened and redetermined within two years after the end of the benefit year if the original determination was based upon false or misrepresented information.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Taylor, Vacca and Bailey:

S. 263. To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members; and providing liability insurance protection for county officials, county employees and county property.

By Mr. Taylor:

S. 260. To amend Section 25-4-51, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for the succession of and by governmental entities; designate liability for resulting benefit cost and recovery of such costs from an abolished state agency and to provide for the modification of advance payment rates for governmental employers and the procedure for appealing an assigned or modified rate.

By Mr. Weeks:

S. 383. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the alcoholic beverage control board; to prohibit and make unlawful delivery of alcoholic beverages from without the state to within the state, except to the Alabama alcoholic beverage control board and its licensed manufacturers, importers, wholesalers and to warehouses; to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

By Mr. Goodwin:

S. 247. To exempt from the requirements of the Alabama Child Labor Act, Chapter 8, Title 25, Code of Alabama 1975, as amended, time and hour restrictions for children under 16 and the requirement for securing employment and age certificates by persons under 17 who are employed as actors or performers and to set forth protective employment conditions for such children under the age of 16.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Messrs. Little, Parsons, Barron, Proctor, Britnell, McDonald, Smith, Vacca, Bailey, Higginbotham, Mitchem, Hall and Miller:

S. 95. To establish an employee suggestion award program whereby cash or awards may be made to state employees whose adopted suggestions result in savings or improvement in state government.

By Messrs. McDonald, Smith and Lemaster:

S. 112. To amend Sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, or whether created by general, special or local laws, or general laws of local application, if the authority governs an airport operated by a county and at least one municipality therein jointly, to be eligible recipients of funds and assistance from the state industrial development authority.

By Mr. Cook:

S. 150. To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

By Messrs. Cook, Hall and Parsons (With Amendment):

S. 197. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U. S. C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

## CONSENT CALENDAR

### BILLS ON THIRD READING RESUMED

The Bill:

S. 95. To establish an employee suggestion award program whereby cash or awards may be made to state employees whose adopted suggestions result in savings or improvement in state government.

On motion of Mr. Little, the Rules were suspended and he was granted permission to offer the following amendment to the Bill, S. B. 95, to-wit:

AMENDMENT TO S. B. 95

Amend Senate Bill No. 95 Page 2 by inserting a new Section 5 and re-numbering all remaining sections.

New Section 5 to read as follows: "No elected official or department head shall be eligible to be considered as a recipient under this Act."

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Pearson
Bailey	Hall	Martin	Robertson
Barron	Harrison	McDonald	Smith
Britnell	Higginbotham	Miller	Taylor
Callahan	Holmes	Mitchem	Weeks
Cook	Lemaster	Parsons	White
deGraffenried			

—24

*Nays:*

—0

And said Bill, S. B. 95, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Gulledge	Little	Robertson
Barron	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Hilliard	Mitchem	Teague
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—31

*Nays:*

—0

Mr. Robertson requested and received unanimous consent to have his name, as well as that of Mr. Harrison, added as co-sponsors of the above Bill.

MOTION IN WRITING

Mr. Denton offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 143, on page 26 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 143, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 172. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Glen Allen, in Fayette County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	Miller	Taylor	
Britnell	Hall	Mitchem	Teague	
Cook	Hilliard	Parsons	Vacca	
Denton	Holmes	Pearson	Weeks	
Figures	Keener	Proctor	White	
Glass	Little			—25

Nays:

—0

The Bill:

H. 173. Relating to Lamar County; to provide further for the compensation of certain election officers.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Miller	Smith	
Bailey	Hall	Mitchem	Taylor	
Britnell	Hilliard	Parsons	Teague	
Cook	Holmes	Pearson	Vacca	
Denton	Keener	Proctor	Weeks	
Figures	Little	St. John	White	
Glass	McDonald			—25

Nays:

—0

## CONSENT CALENDAR

The Bill:

S. 112. To amend Sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, or whether created by general, special or local laws, or general laws of local application, if the authority governs an airport operated by a county and at least one municipality therein jointly, to be eligible recipients of funds and assistance from the state industrial development authority.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	Robertson
Barron	Gulledge	Lemaster	St. John
Britnell	Hall	Little	Smith
Cook	Higginbotham	Martin	Taylor
deGraffenried	Hilliard	McDonald	White
Denton	Holmes	Proctor	

—22

*Nays:* —0

The Bill:

S. 150. To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Robertson
Barron	Higginbotham	Martin	Smith
Cook	Hilliard	Miller	Taylor
deGraffenried	Holmes	Mitchem	Teague
Denton	Keener	Pearson	Weeks
Goodwin	Lemaster	Proctor	White
Gulledge			

—24

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 27. To provide for a durable power of attorney that may survive disability, incompetency, or incapacity or until actual knowledge of death of the principal.

JOHN W. PEMBERTON,  
Clerk.

CONSENT CALENDAR BILLS ON  
THIRD READING RESUMED

The Bill:

S. 197. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U. S. C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following amendment to the Bill, S. B. 197, to-wit:

## COMMITTEE AMENDMENT TO S. B. 197

Amend Senate Bill No. 197 on Page 10, Line 18, by striking out the word "three" (3) after the word "and" and before the word "Commission" and inserting the word "two" 2.

Further amend Senate Bill No. 197 on Page 10, Line 22, after the period add an additional sentence, "One Commission member shall be appointed state at large."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	Smith	
Barron	Hall	Miller	Taylor	
Britnell	Holmes	Mitchem	Teague	
Cook	Keener	Parsons	Weeks	
deGraffenried	Little	Robertson	White	
Denton	Martin	St. John		—22

Nays: —0

On motion of Mr. Hall, the Rules were suspended and he was granted permission to offer the following amendment to the Bill, S. B. 197, as amended, to-wit:

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AMENDMENT TO S. B. 197, AS AMENDED

Amend S. B. 197 on page 21, line 24, by changing the period to a comma after the word "both" and adding "and shall relinquish his commission seat."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Robertson
Barron	Goodwin	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Holmes	Mitchem	Weeks
deGraffenried	Keener	Parsons	White
Denton	Lemaster		

—25

Nays: —0

MOTION TO ADJOURN LOST

At 12:45 P. M., Mr. White moved that the Senate adjourn until Wednesday, March 4, 1981, at 1 o'clock P. M., which motion was lost.

Yeas 1; Nays 25.

Yeas:

Mr. White. —1

Nays:

Messrs.:	Goodwin	Lemaster	Parsons
Barron	Gulledge	Little	Proctor
Callahan	Hall	Martin	Robertson
Cook	Harrison	McDonald	Smith
deGraffenried	Higginbotham	Miller	Taylor
Denton	Holmes	Mitchem	Teague
Glass	Keener		

—25

FURTHER CONSIDERATION OF S. B. 197

The Senate proceeded to further consideration of the Bill, S. B. 197, as amended.

On motion of Mr. Hall, the Rules were again suspended and he was granted permission to offer the following amendment to the Bill, S. B. 197, as amended, to-wit:

AMENDMENT TO S. B. 197, AS AMENDED

Amend S. B. 197 on page 105 by striking out lines 28 through 32 through the word "determenation."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Parsons
Barron	Goodwin	Little	Robertson
Callahan	Hall	Martin	Smith
Cook	Holmes	McDonald	Weeks
deGraffenried	Keener	Mitchem	White

—19

Nays: —0



And said Bill, S. B. 197, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 1.

*Yeas:*

Messrs.:	Denton	Holmes	Robertson
Barron	Goodwin	Kirkland	St. John
Britnell	Gulledge	Little	Smith
Cook	Hall	Martin	Taylor
deGraffenried	Higginbotham	Mitchem	White

—19

*Nay:* Mr. Weeks.

—1

### RESOLUTION

Messrs. Miller, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 60. EXTENDING THE CONGRATULATIONS AND BEST WISHES OF THE LEGISLATURE TO ALICE JO BURTON.

WHEREAS, One of the most valuable assets in the office of the Lieutenant Governor for the past two years has been the charming presence of Alice Jo Burton at the front desk; and

WHEREAS, Jo is leaving on Saturday, February 28, 1981, to move to the State of Washington to be married to her old high school sweetheart, Bobby Hendrix; and

WHEREAS, It has been the privilege of all of us in the Legislature to know Alice Jo and work with her; her efficiency, gracious manner, and charming personality will long be remembered; and

WHEREAS, She leaves us with the best wishes of all of us for her new life as Mrs. Alice Jo Hendrix in the Northwest; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we wish Alice Jo Burton godspeed on her journey, and all happiness in her upcoming marriage to Mr. Hendrix.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Alice Jo Burton.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 1. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 268. Relating to Covington County; providing for an additional expense allowance for the members of the board of registrars of said county and providing for its retroactive effect.

Also:

H. 269. Relating to Covington County; to legalize the sale of draft or keg beer or malt beverages.

Also:

H. J. R. 108. NAMING HIGHWAY 157 FROM CULLMAN, ALABAMA, TO THE TENNESSEE STATE LINE, THE "UNIVERSITY OF NORTH ALABAMA HIGHWAY."

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Payne (with notice and proof):

H. 33. Relating to Jefferson County; providing for an additional allowance for election officials who work at polling places.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 33, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Manley:

H. 83. To amend Sections 37-2-41, 34-4-23 and 37-4-24 of the Code of Alabama 1975 relating to inspection and supervision fees paid by transportation companies and utilities and the recovery of delinquent fees.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 33. To the Committee on Local Legislation No. 2.

H. B. 83. To the Committee on Commerce, Transportation, and Utilities.

### UNANIMOUS CONSENT GRANTED

Mr. Callahan requested and received unanimous consent to bring up the Bill:

S. 284. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

And said Bill, S. B. 284, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	Pearson	
Barron	Goodwin	Kirkland	Robertson	
Britnell	Gulledge	Lemaster	St. John	
Callahan	Hall	Little	Smith	
Cook	Harrison	Martin	Taylor	
deGraffenried	Higginbotham	Miller	Weeks	
Denton	Hilliard	Mitchem	White	
Figures	Holmes	Parsons		—30

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Minus and Manley:

H. 35. To repeal section 12-18-62 of the Code of Alabama 1975 which disallows the practice of law by retired district judges.

Also:

By Rep. Manley:

H. 84. To amend Section 16-13-146, Code of Alabama 1975, to increase the interest rate which county and city boards of education may pay on current loans secured in accordance with the provisions of Section 16-13-145, Code of Alabama 1975.

Also:

By Rep. Manley:

H. 81. To amend Section 27-29-2, Code of Alabama 1975 (as amended Act Number 80-199, Acts of Alabama 1980), which provides for investments in subsidiaries and affiliates of domestic insurance companies.

Also:

By Rep. Gafford:

H. 171. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

Also:

By Reps. Hammett, Mitchell and Clark (G):

H. 271. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits probate judges from practicing law.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 35, 171, and 271. To the Committee on Judiciary.

H. B. 84. To the Committee on Education.

H. B. 81. To the Committee on Banking and Insurance.

#### UNFINISHED BUSINESS

##### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 9. Relating to voter registration; to amend Code of Alabama 1975, Section 17-4-158, so as to require that all city clerks be appointed as deputy registrars.

On motion of Mr. Gullede, further consideration of the Bill, S. B. 9, was postponed until the next Legislative Day as Unfinished Business.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Langford, Wyatt, McKee, Turner, Kennedy, Clark (G) and Dixon:

H. 110. To amend Section 36-25-1 of the Code of Alabama 1975 relating to the state ethics law so as to further provide for the definition of public employee.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 110. To the Committee on Judiciary.

## SPECIAL ORDER

## BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 331. To amend Section 2-8-9 and repeal Section 2-8-14 of the Code of Alabama 1975 providing for a promotional program for the production, marketing, use and sale of cattle so as to further provide for the length of the period of assessment after a referendum on that subject and to repeal provisions providing for an election by cattle owners not to pay an assessment.

And said Bill, S. B. 331, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Pearson
Barron	Harrison	Little	St. John
Britnell	Higginbotham	Martin	Smith
Callahan	Hilliard	McDonald	Taylor
deGraffenried	Holmes	Miller	Vacca
Denton	Keener	Mitchem	Weeks
Goodwin	Kirkland	Parsons	White
Gulledge			

—28

Nays:

—0

The Bill:

S. 163. To delete the requirement that physicians be certified in the sub-specialty of oncology to dispense cannabis under the Controlled Substances Therapeutic Research Act; to provide that the State Board of Me-

dical Examiners may apply to contract with the National Institute of Drug Abuse for receipt of cannabis; to provide that the Board may formulate and promulgate such guidelines as are necessary for dispensing cannabis; and to provide that the Board may establish the rules and regulations requiring accurate reporting and accountability by each practitioner.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 1.

*Yeas:*

Messrs.:	Higginbotham	Martin	Smith
Barron	Hilliard	McDonald	Taylor
Britnell	Holmes	Miller	Teague
deGraffenried	Keener	Mitchem	Vacca
Denton	Lemaster	Parsons	Weeks
Goodwin	Little	Pearson	White
Hall			

—24

*Nay:* Mr. Harrison. —1

The Bill:

S. 104. To extend the statute of limitations in regard to violations of the competitive bid laws.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	St. John
Barron	Higginbotham	McDonald	Smith
Britnell	Hilliard	Miller	Taylor
deGraffenried	Holmes	Mitchem	Teague
Denton	Keener	Parsons	Vacca
Figures	Lemaster	Pearson	Weeks
Goodwin	Little	Robertson	

—26

*Nays:* —0

The Bill:

S. 105. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount,

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 105, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount; and to provide certain exceptions thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-16-50, Code of Alabama 1975, is hereby amended to read as follows:

"§ 41-16-50.

"(a) 1. All expenditure of funds of whatever nature for labor, services or work, or for the purchase or lease of materials, equipment, supplies or other personal property involving \$2,000.00 or more, made by or on behalf of any state trade school, state junior college, state college or university under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder; provided, that in the event a bid is received for an item of personal property to be purchased or contracted for from a person, firm or corporation deemed to be a responsible bidder, having a place of business within the county, where the awarding authority is the county or instrumentality thereof, or within the municipality, where the municipality or an instrumentality thereof is the awarding authority, which such bid is no more than three percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to such resident responsible bidder. In the event only one bidder responds to the invitation to bid, the awarding authority may reject the bid and negotiate the purchase or contract, providing the negotiated price is lower than the bid price.

"2. (i) Provided, however, all expenditures of funds for whatever nature for, including all service, concessions, goods, and/or rental contracts, of \$75,000.00 or more made by or on behalf of any governing boards, commissions, committees or like governing bodies of instrumentalities of counties and municipalities, including but not limited to, waterworks boards, sewer boards, gas boards, park boards, and library boards, shall be made under contractual agreement entered into by free and open competitive bid on sealed bids, to the lowest responsible bidder. When a definite monetary sum is not determinable prior to contracting, prior contracts by that body or a similar body for similar type service or rental contracts shall be used as criteria for ascertaining whether competitive bids should be let.

"(ii) Whenever any said governing board, committee, commission or like body shall contract with a person or business entity whose cumulative service, concessions, goods, or rental contracts, including the contract in question, with any said board, committee, commission or like body under the

domain of the same governing municipality or county, shall total \$200,000 or more, then said contract with said individual shall be null and void ab initio and said body shall submit the contract to competitive bid as provided in this section."

"Provided, however, the provisions of paragraphs 2(i) and 2(ii) shall not apply to radio or television sales by institutions of higher education nor to the exemptions prescribed in Section 41-16-51 of the Code of Alabama 1975.

"(b) The governing bodies of two or more contracting agencies, as hereinabove enumerated within the same county or adjoining counties, may provide by joint agreement for the purchase of labor, services or work, or for the purchase or lease of materials, equipment, supplies or other personal property for use by their respective agencies. Such agreement shall be entered into by similar ordinances, in the case of municipalities, or resolutions, in the case of other contracting agencies, adopted by each of the participating governing bodies, which shall set forth the categories of labor, services or work, or for the purchase or lease of materials, equipment, supplies or other personal property to be purchased, the manner of advertising for bids and of awarding of contracts, the method of payment by each participating contracting agency and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency's share of expenditures for purchases under any such agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent, and such agent shall have the responsibility to comply with the provisions of this article. It is provided further that purchases, contracts or agreements made pursuant to a joint purchasing agreement shall be subject to all of the terms and conditions of this article."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Pearson, further consideration of the Bill, S. B. 105, and pending substitute, was postponed temporarily.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

#### H. J. R. 63. PROPOSED JOINT RULE RELATIVE TO THE LEGISLATIVE JOURNALS.

On motion of Mr. Barron, the President and Presiding Officer of the Senate ordered said Resolution, H. J. R. 63, recommitted to the Standing Committee on Rules.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:



S. 31. Relating to Baldwin County; providing for an increase in compensation for members of the board of registrars.

Also:

S. 32. Relating to Baldwin County; providing for an additional allowance for election officials who work at polling places.

Also:

S. 27. To provide for a durable power of attorney that may survive disability, incompetency, or incapacity or until actual knowledge of death of the principal.

Also:

S. 1. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 172. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Glen Allen, in Fayette County.

Also:

H. 173. Relating to Lamar County; to provide further for the compensation of certain election officers.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 40. CONGRATULATING AND COMMENDING GORDO  
HIGH SCHOOL, CLASS 2A STATE FOOTBALL CHAMPIONS.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF S. B. 105

The Senate proceeded to further consideration of the Bill, S. B. 105. The question was on the Committee substitute.

Mr. White offered the following amendment to the substitute for the Bill, S. B. 105, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 105

Amend S. 105 as follows:

On page 4, line 11, add the following language:

"(c) It is further provided that all bidders must be bonded in any amount exceeding \$2,000.00."

Which was adopted.

On motion of Mr. White, the Senate reconsidered the vote by which his amendment to the substitute for the Bill, S. B. 105, was adopted.

On motion of Mr. White, said amendment was then laid on the table.

Mr. White then offered the following amendment to the substitute for the Bill, S. B. 105, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 105

Amend S. 105 as follows:

On page 4, line 11, add the following language:

"(c) It is further provided that all bidders must furnish a bid Bond on any Contract exceeding \$10,000.00. Provided that bonding is available for such services, equipment or materials.

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 105, was then adopted by the Senate.

Yeas 19; Nays 1.

Yeas:

Messrs.:	Goodwin	Kirkland	St. John
Bailey	Gulledge	Lemaster	Smith
Barron	Hall	Martin	Taylor
Britnell	Higginbotham	Pearson	Teague
Denton	Holmes	Robertson	White

—19

Nay: Mr. Little.

—1

And said Bill, S. B. 105, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

*Yeas:*

Messrs.:	Denton	Kirkland	Smith	
Bailey	Goodwin	Lemaster	Taylor	
Barron	Gulledge	Martin	Teague	
Britnell	Hall	Mitchem	Vacca	
Cook	Higginbotham	Pearson	White	
deGraffenried	Holmes	St. John		—22

*Nay:* Mr. Little.

—1

### RESOLUTIONS

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

**S. J. R. 61. MOURNING THE DEATH OF DR. RALPH DEMPSEY BROWN, PROMINENT TUSCALOOSA CHIROPRACTOR AND FORMER STATE REPRESENTATIVE.**

WHEREAS, it is with deep sorrow and regret that the Legislature of Alabama notes the death of Dr. Ralph Dempsey Brown of Tuscaloosa, Alabama, on July 13, 1980, at the age of 61; and

WHEREAS, a veteran of the United States Army during World War II, Dr. Brown was a chiropractor in Tuscaloosa following his graduation from Palmer Chiropractic College in Davenport, Iowa; a former two-term member of the Alabama Legislature, he also served with Senator Ed Robertson in the Alabama House of Representatives; and

WHEREAS, long and deeply involved in civic and community affairs, he was a member of the Southside Lions Club, Von Bayer Masonic Lodge No. 699, Tuscaloosa Shrine Club, Chiropractic Society, Tuscaloosa County Singing Convention, American Legion, Disabled American Veterans, the Moose Lodge and the Northwood Hills Baptist Church; and

WHEREAS, Ralph Dempsey Brown, or "Doc" Brown as he was widely known, also served as Tuscaloosa County Tax Collector for a period of seven years, from October 1, 1973, until his death; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we are deeply saddened by the death of Dr. Ralph Dempsey Brown and extend our most heartfelt sympathy to his wife, Mrs. Bernice B. Brown, to their children and other family members to whom copies of this resolution shall be sent.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Little, Higginbotham, Kirkland, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Hilliard, Holmes, Keener, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 62. WELCOMING COACH PATRICK DYE TO ALABAMA  
AS HEAD FOOTBALL COACH AT AUBURN UNIVERSITY.

WHEREAS, Auburn University is nationally recognized for the quality and tradition of its athletic and academic programs; and

WHEREAS, Patrick Fain Dye was appointed head football coach at Auburn University on January 2, 1981, after compiling a record as head coach at two outstanding universities of fifty-four wins and twenty-two losses; and

WHEREAS, Coach Dye was a two-time All-American guard at the University of Georgia and co-captain of the 1960 team, and an academic All-American in 1959 and 1960; and

WHEREAS, Coach Dye has distinguished himself on and off the athletic field because of his belief in discipline, hard work, the desire to excel, and his concern for young athletes as people, and his superior knowledge of football; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we welcome Coach Dye, his wife, Sue, and their four children to Auburn University and the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Dye and his family, and the Board of Trustees of Auburn University so that they may be aware of this body's sincere welcome and high regard.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 68. To amend Sections 27-3-11, 27-6-3, 27-27-29 and 27-41-4, Code of Alabama 1975, to permit the use of clearing corporations and book-entry in connection with deposits and investments, and to permit the assets to be reflected on the books of clearing corporations and composed of book-entries. was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John
Bailey	Hall	Martin	Smith
Barron	Higginbotham	Miller	Taylor
Britnell	Holmes	Mitchem	Teague
deGraffenried	Kirkland	Pearson	Weeks
Denton	Lemaster	Robertson	White

—23

Nays:

—0

The Bill:

S. 219. To amend § 12-19-150, Code of Alabama 1975, to provide that in the interest of justice a judge may, in his discretion enter an order dismissing a case prior to trial, conditioned upon payment of the docket fee and other court costs; and to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	St. John	
Bailey	Gulledge	Lemaster	Smith	
Barron	Hall	Little	Taylor	
Britnell	Harrison	Martin	Teague	
deGraffenried	Higginbotham	Mitchem	Vacca	
Denton	Hilliard	Parsons	White	
Glass	Holmes	Robertson		—26

*Nays:* —0

The Bill:

S. 109. To amend Section 9-11-194 of the Code of Alabama 1975, relating to the marking of licensed, wire fish baskets so as to provide that the location of said baskets shall not be required to be marked with a buoy or float.

was taken up.

Mr. Teague offered the following substitute for the Bill, S. B. 109, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend § 9-11-147 of the Code of Alabama 1975 so as to provide further for the marking and identification of slat boxes used for commercial fishing.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-11-147 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 9-11-147. It shall be unlawful for any person to use any of the fishing gear mentioned in section 9-11-141, except slat boxes, in the public impounded waters and navigable streams of this state without marking their location by buoys or floats and identifying such nets and lines by showing the license number in plain figures upon the buoys or floats. The license number must be attached to all seines and nets, and at least one such buoy shall bear the name and address of the owner. It shall be unlawful to use slat boxes in said waters without permanently affixing thereto a metal tag stating thereon the name, address and license number of the licensee operating and using each slat box."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	Parsons
Bailey	Goodwin	Lemaster	Robertson
Barron	Hall	Little	Smith
Britnell	Hilliard	Martin	Taylor
deGraffenried	Holmes	Miller	Vacca
Denton	Keener	Mitchem	White

—23

*Nays:* —0

And the Bill, S. B. 109, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith
Bailey	Hall	Martin	Taylor
Barron	Hilliard	Miller	Teague
Britnell	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Robertson	White
Glass	Lemaster		

—25

*Nays:* —0

The Bill:

S. 116. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

was taken up.

Mr. Goodwin offered the following amendment to the Bill, S. B. 116, to-wit:

AMENDMENT TO S. B. 116

On page 4 on lines 15 and 16 delete the words, "by eminent domain and otherwise,"

On page 4, line 23 delete the words "eminent domain proceedings"

On page 4, line 34, delete the words "eminent domain proceedings"

On page 5, line 10, delete the words "eminent domain proceedings"

On page 5, line 25, delete the words "eminent domain proceedings"

On page 6, strike through all words on lines 11 through 28 and renumber the remaining subsections accordingly.

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	St. John
Bailey	Hall	Martin	Smith
Barron	Harrison	Miller	Taylor
Britnell	Higginbotham	Mitchem	Vacca
deGraffenried	Hilliard	Parsons	Weeks
Denton	Holmes	Robertson	White
Glass			—24

*Nays:* —0

Mr. Goodwin then offered the following amendment to the Bill, S. B. 116, as amended, to-wit:

## AMENDMENT TO S. B. 116, AS AMENDED

Amend S. B. 116 as follows:

At the end of Section 1, subparagraph (17) following the semicolon (and in place of the language of Section 4-3-47, Code of Alabama 1975, which was deleted by the original S. 116) insert the following: "provided that such acquisition or operation shall be approved by the Director of the Alabama State Docks Department."

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	St. John
Bailey	Gulledge	Little	Smith
Barron	Hall	McDonald	Taylor
Britnell	Harrison	Miller	Vacca
deGraffenried	Higginbotham	Mitchem	Weeks
Denton	Holmes	Parsons	White
Glass	Keener	Robertson	—26

*Nays:* —0

And said Bill, S. B. 116, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Smith
Bailey	Gulledge	Little	Taylor
Barron	Hall	McDonald	Teague
Britnell	Harrison	Mitchem	Vacca
deGraffenried	Higginbotham	Parsons	Weeks
Denton	Holmes	Robertson	White
Glass	Keener	St. John	—26

*Nays:* —0

The Bill:

S. 207. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the State Mental Health Officer, the Director of Finance, two designees of the Lieutenant Governor from the membership of the Alabama Senate and two designees of the Speaker of the House of Representatives from the membership of the said House to become a corporation to be known as the Alabama Mental Health Finance Authority; to prescribe the manner of formation of said Authority; to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to issue and sell bonds and to loan the proceeds thereof to the Alabama Mental Health Board for construction, reconstruction, alteration and improvement of buildings and other facilities, including the procurement of sites and equipment therefor, for mental health purposes in the State; to provide for the execution, form and terms of the bonds of the Authority; to provide that such bonds shall bear interest at a rate or rates not to exceed twelve percent (12%) per annum; to provide that such bonds and the interest thereon shall be payable solely from the revenues and receipts of the Authority under its loan agreements with the Alabama Mental Health Board and that such bonds shall nevertheless constitute negotiable instruments; to authorize the Authority to pledge and assign its loan agreements with the Alabama Mental Health Board as security for the payment of the principal and interest on the bonds of the Authority; to provide that such bonds shall not be debts or obligations of the State; to provide that such bonds and the income therefrom shall be exempt from taxation, and that such bonds may be used to secure deposits of funds of the State and its political subdivisions, instrumentalities and agencies and for investment of fiduciary funds; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to provide that the State Treasurer or a corporate trustee shall be custodian of the funds of the Authority; to provide that all bonds of the Authority may be refunded by the issuance of refunding bonds; to authorize the Authority to borrow money for temporary use in anticipation of the issuance and sale of its bonds; to provide for exemption of the properties, income and filings of the Authority from taxation; to provide for disposition of funds and properties of the Authority when its bonds have been paid or provided for; and to provide for the dissolution of the Authority.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 207, to-wit:

AMENDMENT TO S. B. 207

I move that Senate Bill No. 207 be amended as follows:

(1) By amending Section 8 at line 29 on page 8 by inserting after the phrase "from time to time" but before the words "to sell" the following phrase:

"but not later than January 20, 1983"

(2) By amending Section 9 at line 28 on page 9 by inserting after the comma following the phrase from "time to time," but before the word "shall" the following phrase:

"provided that the Authority shall not issue or sell any of its bonds after January 20, 1983"



And,

(3) By amending the sentence contained in Section 12 commencing at line 11 and ending at line 14 on page 15 so as to read as follows:

"All other provisions of this Act shall apply to the Refunding Bonds issued hereunder except the limitations contained in Sections 8 and 9, of this Act on the amount of Bonds that may be issued under this Act and the date by which the initial issuance of the Bonds may occur."

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith
Bailey	Gulledge	Mitchem	Taylor
Barron	Higginbotham	Parsons	Teague
Britnell	Holmes	Proctor	Vacca
Callahan	Keener	Robertson	Weeks
deGraffenried	Kirkland	St. John	White
Glass			

—24

*Nays:*

—0

Mr. White offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

#### AMENDMENT TO S. B. 207

On page 4, at the end of line 17, insert the following:

Provided however, this authority shall be under the direct control of the legislature.

On motion of Mr. deGraffenried, said amendment was laid on the table.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (G), Campbell, Turner, Sasser, Waggoner, Langford, Parker, Mitchell, Lewis, Greer, Dixon, Penry, Manley, Dial, Barton, Cosby, Grouby, Wyatt, Turnham, Buskey, Drinkard, McMillan, Shoemaker, Williams, Carothers, Blake, Patton, Willis, Johnson (R. G.), Minus, Gafford, Smith (J), Carter, Coburn, Edwards, Warren, Owens, Whatley, Bedsole, Harper (T), Moore, Naramore, Howard, Trammell, Gilmer, Starkey, Goodwin, Gregg, Brakefield, Kennedy, Smith (M), Venable and Pegues:

H. 223. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 223. To the Committee on Judiciary.

UNANIMOUS CONSENT GRANTED

On motion of Mr. McDonald, the Rules were suspended and unanimous consent was granted Mr. Holmes to bring up the Bill:

S. 60. To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

And said Bill, S. B. 60, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 1.

*Yeas:*

Messrs.:	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Higginbotham	McDonald	Taylor
Cook	Holmes	Mitchem	Teague
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Proctor	White
Figures			—28

*Nay:* Mr. Hilliard. —1

On motion of Mr. Holmes, unanimous consent was granted to add the names of Messrs. White, Glass, Kirkland, Hall, St. John, Keener, Robertson, Callahan, Martin, Britnell, Cook, Mitchem, Lemaster, deGraffenried, and Vacca as co-sponsors of the above Bill.

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 80-576, the interim report of the Committee to Study the Reorganization of the Public Service Commission was read and ordered filed with the Secretary.

FURTHER CONSIDERATION OF S. B. 207

The Senate proceeded to further consideration of the Bill, S. B. 207, as amended.

Mr. White offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

AMENDMENT TO S. B. 207, AS AMENDED

On page 4, at the end of line 17, insert the following:

Provided however, this total authority shall be under the direct control of the legislature.

On motion of Mr. deGraffenried, said amendment was laid on the table.

Yeas 15; Nays 9.

*Yeas:*

Messrs.:	Goodwin	Keener	Proctor	
Callahan	Harrison	Martin	Robertson	
deGraffenried	Higginbotham	McDonald	St. John	
Glass	Holmes	Mitchem	Vacca	—15

*Nays:*

Messrs.:	Denton	Parsons	Taylor	
Barron	Hall	Smith	White	
Britnell	Little			—9

Mr. White then offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

#### AMENDMENT TO S. B. 207, AS AMENDED

On pages 3 and 4, delete Section 1 in its entirety and renumber the remaining sections.

On motion of Mr. Callahan, said amendment was laid on the table.

Yeas 13; Nays 10.

*Yeas:*

Messrs.:	Goodwin	Lemaster	St. John	
Callahan	Holmes	Martin	Teague	
deGraffenried	Keener	Mitchem	Vacca	
Glass	Kirkland			—13

*Nays:*

Messrs.:	Hall	Miller	Taylor	
Barron	Higginbotham	Robertson	White	
Denton	Little	Smith		—10

Mr. White then offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

#### AMENDMENT TO S. B. 207, AS AMENDED

On page 17, delete Section 18 in its entirety and insert in lieu thereof the following:

Section 18. Effective Date. The provisions of this Act shall become effective thirty days following the delivery by the Mental Health Department to each member of the Legislature of Alabama and to the Governor of Alabama:

1. A detailed accounting of the expenditure of the seven million dollars (\$7,000,000.00) borrowed by the State of Alabama under the provisions of Amendment No. 340 to the Constitution for the purpose of "acquisition, construction, equipment and improvement of mental health facilities, including security medical facilities for persons requiring security during treatment; provided, that if such action should be necessary in order to

comply with any federal legislation relating to federal aid in construction of mental health facilities, the commission may authorize another agency or department of the state to make orders for disbursement of proceeds from the bonds for the purpose of acquisition, construction, equipment and improvement of said mental health facility."

2. A detailed accounting of the fifteen million dollars (\$15,000,000.00) borrowed by the State of Alabama under the provisions of Amendment No. 266 to the Constitution of Alabama for "improvements to the state hospitals for the mentally ill known as Bryce and Searcy and to the facilities for the treatment and care of the mentally retarded known as Partlow School and for the acquisition and construction of new facilities and regional centers for the treatment and care of the mentally retarded."

3. A detailed accounting of the three million dollars (\$3,000,000.00) borrowed by the State of Alabama under the provisions of Amendment No. 141 to the Constitution of Alabama for the purpose of "construction and equipment of a hospital building to constitute a part of the University of Alabama Medical Center and to be used for the care and treatment of mental patients and for the training of medical students in the field of mental illness."

On motion of Mr. Callahan, said amendment was laid on the table.

Yeas 12; Nays 11.

*Yeas:*

Messrs.:	Figures	Holmes	St. John	
Callahan	Glass	Keener	Teague	
Cook	Goodwin	Mitchem	Vacca	
deGraffenried				—12

*Nays:*

Messrs.:	Hilliard	Parsons	Taylor	
Barron	Kirkland	Robertson	White	
Denton	Little	Smith		
Higginbotham				—11

Mr. White then offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

#### AMENDMENT TO S. 207, AS AMENDED

On page 17, lines 31-33, delete Section 18 in its entirety and insert in lieu thereof the following:

Section 18. Effective Date. The provisions of this Act shall become effective immediately upon compliance for fiscal year 1980 and 1981 with the provisions of the Act proposed by Senate Bill 357 at the current Regular Session of the Legislature.

On motion of Mr. deGraffenried, said amendment was laid on the table.

Yeas 15; Nays 12.

*Yeas:*

Messrs.:	Denton	Holmes	Mitchem	
Callahan	Glass	Keener	Proctor	
Cook	Goodwin	Lemaster	St. John	
deGraffenried	Harrison	Martin	Vacca	—15

*Nays:*

Messrs.:	Hilliard	Robertson	Teague	
Barron	Little	Smith	Weeks	
Hall	Parsons	Taylor	White	
Higginbotham				—12

Mr. White then offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

## AMENDMENT TO S. B. 207, AS AMENDED

Amend S. 207 as follows:

On page 4, line 13, delete the language "public corporation" and insert in lieu thereof:

state agency

On page 1, lines 9 and 35, delete "corporation" and insert in lieu thereof:

state agency

On motion of Mr. deGraffenried, said amendment was laid on the table.

Yeas 14; Nays 4.

*Yeas:*

Messrs.:	Glass	Kirkland	Mitchem	
Callahan	Goodwin	Lemaster	Proctor	
Cook	Harrison	Martin	Robertson	
deGraffenried	Keener	Miller		—14

*Nays:* Messrs.: Barron, Taylor, Weeks and White. —4

Mr. White then offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

## AMENDMENT TO S. B.207, AS AMENDED

Amend S. 207, as follows:

On page 17, lines 32 and 33, delete all the language following the word "effective" and insert in lieu thereof:

January 1, 1990

On motion of Mr. deGraffenried, said amendment was laid on the table.

Yeas 18; Nays 4.

*Yeas:*

Messrs.:	deGraffenried	Holmes	Miller	
Bailey	Denton	Keener	Mitchem	
Britnell	Glass	Lemaster	Proctor	
Callahan	Goodwin	Martin	St. John	
Cook	Harrison	McDonald		—18

*Nays:* Messrs.: Barron, Little, Taylor and White. —4

Mr. White then offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

AMENDMENT TO S. B. 207, AS AMENDED

On page 8, delete lines 4 through 6 in their entirety and the first five words on line 7.

On motion of Mr. deGraffenried, said amendment was laid on the table.

Yeas 19; Nays 5.

*Yeas:*

Messrs.:	Denton	Keener	Miller
Britnell	Glass	Kirkland	Mitchem
Callahan	Goodwin	Lemaster	Proctor
Cook	Harrison	Martin	St. John
deGraffenried	Holmes	McDonald	Teague

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*Nays:* Messrs.: Barron, Little, Taylor, Weeks and White. —5

Mr. White then offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

AMENDMENT TO S. B. 207, AS AMENDED

Amend S. 207, as follows:

On page 2, line 28, after the word "Treasurer", delete the language: or a corporate trustee

On page 13, lines 22 and 23, after the word "Treasurer", delete the language: and any corporate trustee

On page 13, lines 28 and 29 after the word "Treasurer", delete the language: and any corporate trustee

On motion of Mr. Callahan, said amendment was laid on the table.

Yeas 14; Nays 8.

*Yeas:*

Messrs.:	Glass	Keener	McDonald
Callahan	Goodwin	Kirkland	Proctor
Cook	Harrison	Martin	Teague
deGraffenried	Holmes		
Denton			

—14

*Nays:*

Messrs.:	Higginbotham	Mitchem	Taylor
Barron	Little	Parsons	White
Hall			

—8

Mr. Little offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

## AMENDMENT TO S. B. 207, AS AMENDED

Amend Senate Bill No. 207 Page 8 Line 30, by striking out the words and figures "ninety million dollars (\$90,000,000)" and insert in lieu thereof the words and figures sixty-five million dollars (\$65,000,000)

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 56. HONORING MRS. MARCIA M. SEARS UPON HER ELECTION AS PRESIDENT OF THE ALABAMA PRESS ASSOCIATION.

Also:

S. J. R. 57. HONORING COACH JOHN W. COX OF CHILDERSBURG, ALABAMA.

Also:

S. J. R. 58. COMMENDING MR. HOKE KERNS FOR EXTRAORDINARY SERVICE AS COMMISSIONER OF MEDICAL SERVICES ADMINISTRATION.

Also:

S. J. R. 59. COMMENDING WESLEY LANCE LAIRD FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

S. J. R. 60. EXTENDING THE CONGRATULATIONS AND BEST WISHES OF THE LEGISLATURE TO ALICE JO BURTON.

Also:

S. J. R. 61. MOURNING THE DEATH OF DR. RALPH DEMPSEY BROWN, PROMINENT TUSCALOOSA CHIROPRACTOR AND FORMER STATE REPRESENTATIVE.

Also:

S. J. R. 62. WELCOMING COACH PATRICK DYE TO ALABAMA AS HEAD FOOTBALL COACH AT AUBURN UNIVERSITY.

JOHN W. PEMBERTON,  
Clerk.

## POINT OF PERSONAL PRIVILEGE

Messrs. Harrison and Miller requested and received unanimous consent that the Journal show that, had they been present when the Bill, S. B. 60, was passed, they would have voted "Aye".

## ADJOURNMENT

At 6:12 P. M., on motion of Mr. White, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bills, S. B.'s 207 and 9, the Senate adjourned until Wednesday, March 4, 1981, at 1:15 P. M.

REGULAR SESSION  
8th Day

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Yeas 15; Nays 14.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Hall	McDonald	Taylor
Barron	Higginbotham	Parsons	Weeks
Britnell	Hilliard	Robertson	White
			—15

*Nays:*

Messrs.:	Glass	Holmes	Miller
Callahan	Goodwin	Keener	St. John
Cook	Gulledge	Kirkland	Teague
deGraffenried	Harrison	Martin	—14



NINTH LEGISLATIVE DAY  
WEDNESDAY, MARCH 4, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Ben Sawada, Pastor, Capitol Heights United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Robertson
Bailey	Goodwin	Lemaster	St. John
Barron	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Callahan	Harrison	McDonald	Teague
Cook	Higginbotham	Miller	Vacca
deGraffenried	Hilliard	Mitchem	Weeks
Denton	Holmes	Parsons	White
Figures	Keener	Proctor	

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Pearson for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Martin:

S. 428. To make further provisions for the issuance of obligations by Alabama federal aid highway finance authority by amending article 10 of chapter 1 of Title 23 of the Code of Alabama of 1975 so as to provide for the issuance and use of proceeds of obligations of the authority for the purpose of anticipating and providing for not only the federal share of the cost of constructing interstate and defense highways but also for the purpose of anticipating and providing for the federal share of the costs of constructing state highways to the extent that the said highways constitute primary highways as defined in section 23-1-301; to delete the requirement that obligations be issued only for the purpose of providing funds to pay the federal share of the costs of constructing highway projects qualifying for reimbursement from the United States of America on a nine to one matching basis and to permit obligations of the authority to be issued and proceeds thereof to be expended for payment of any cost of constructing any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the said United States pursuant to the written agreement provided for in this article; to amend section 23-1-300 of the said Code so as to provide that obligations of the authority shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending in 1978 through 1995 (rather than the federal fiscal years 1978 through 1983); to amend section 23-1-301 of the said Code by (i) permitting the issuance of temporary bonds in coupon form, (ii) amending the definition of bond to include refunding bonds issued to refund outstanding obligations, (iii) amending the definition of note by further defining a note as an obligation which recites on its face that it is issued in anticipation of the sale by the authority of bonds and which is payable to the order of a named payee, and (iv) further defining a temporary bond as an obligation issued by the authority which recites on its face that it is issued in anticipation of the sale by the authority of bonds; to amend section 23-1-307 of the said Code by (i) deleting the provision of the said section which provides that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on obligations issued by the authority, and (ii) providing that the authority may from time to time sell and issue refunding bonds for the purpose of refunding any then outstanding obligations of the authority and to provide that the provisions of the said section limiting the aggregate principal amount of bonds to \$212,000,000 shall not apply to refunding bonds; to extend from eight to fifteen years the maximum permissible maturity date of bonds; to delete the requirement of section 23-1-310 of said Code that the bonds be sold only at public sale and at a price at least equal to their face value and to provide that any obligation of the authority may be sold either at public or private sale and at such prices as may be deemed most advantageous by the board of directors, but that none of the obligations may be sold for a price less than 97% of their par or face value; to exempt all obligations issued by the authority from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of the code of Alabama of 1975; to amend section 23-1-313 of the said Code by (i) deleting the prohibition with respect to the use of the proceeds of obligations of the authority for payment of fees of fiscal agents or financial consultants, and (ii) providing that proceeds of refunding bonds may be used for payment of principal of and interest on any outstanding obligations of the authority and for payment of any redemption premium necessary in order to redeem or retire the said outstanding obligations; to amend section 23-1-314 of the said Code by (i) extending the period for which funds to be received by the state from the United States government may be pledged to the federal fiscal year ending in 1995, and (ii) providing that the said funds received from the

federal government during any federal fiscal year should be set aside to pay not only those obligations of the authority which mature during such federal fiscal year but also any obligations which are subject to mandatory redemption by the authority during any such federal fiscal year; and to make certain other clarifying changes and to correct certain typographical errors.

Committee on Finance and Taxation.

By Mr. deGraffenried:

S. 429. To name the new wing of the State Oil and Gas Board Building, which is an addition to the present State Oil and Gas Board Building, as "The Philip E. LaMoreaux Center for Environmental Geology and Hydrology Studies"; and to name the library in the present State Oil and Gas Board Building as "The Thomas J. Joiner Earth Science Library".

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Denton:

S. 430. To prohibit the sale of alcoholic beverages on Sunday throughout the state; to prescribe penalties for the violation of this act; to repeal all local and general laws contrary to the provisions of this act.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Weeks:

S. 431. An Act to provide for the establishment of a Board of Governors for Junior, Community and Technical Colleges for certain public post-secondary institutions of higher education and describing the scope, authority, and duties of such Board of Governors; to provide for the composition of, eligibility for, and succession to the Board; to provide for the method of filling vacancies to the Board and that funds shall be appropriated for the operation of the Board; to provide that the Board shall make reports to the Governor and the Legislature; to provide for rule making authority in the Board, procedures for requiring compliance with Board policies and rules, approval of new institutions, and approval of fees and tuitions; to provide for review by the Board of requests for funds prior to appropriating funds for private institutions or students attending same; to authorize the Board to reallocate institutional budgets; to authorize the Board to consolidate or abolish institutions and to grant the Board authority to abolish or add degrees; to provide that the Board may appoint and constitute advisory councils; to provide that the former authority of the State Board of Education over the subject postsecondary institutions shall be vested in the Board of Governors for Junior, Community and Technical Colleges; to provide that neither the bonded indebtedness of the State nor any other similar obligation shall be impaired; to provide for the staff and the employment of other professional and clerical personnel and for their compensation.

Committee on Education.

By Mr. Little:

S. 432. To exempt the East Alabama Services for the Elderly, Inc. from all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Messrs. Cook and Parsons:

S. 433. To transfer any appropriations, powers and duties, as prescribed by Title 25, Chapter 8, of the Code of Alabama 1975, heretofore under the jurisdiction of the department of industrial relations to the department of labor under the direction of the commissioner of labor.

Committee on Business and Labor Relations.

By Mr. St. John:

S. 434. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. St. John:

S. 435. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Teague:

S. 436. To amend certain sections of Title 32, Code of Alabama 1975, specifically Section 32-6-1 relating to expiration date of driver licenses on a licensee's birthday; Section 32-6-8 relating to the issuance of temporary instruction and learner's driver permits by the Department of Public Safety, probate judges, and license commissioners, to provide that a restricted learners license with color photo be issued to applicants age fifteen and above for a term and in similar manner to a regular driver license except that license restriction shall be noted clearly on the license, to provide the period of time such restricted licenses are to be valid, the manner of issuance and of removing the restriction, establish the cost of such restricted licenses, provide a fee for the issuing authority; and Section 32-6-15 relating to the issuance of duplicate licenses, to provide the manner of issuance, set issuance fee and to provide for the distribution of fee.

Committee on Governmental Affairs.

By Mr. Teague:

S. 437. To amend Sections 32-7-2, 32-7-3, 32-7-5, 32-7-6, 32-7-22 and 32-7-27, Code of Alabama 1975, known as the Motor Vehicle Safety Responsibility Act, to change the definition of proof of financial responsibility, the time required for the director to answer an appeal, the amount of property damages sustained before a report is required, extend the amount of time before the director must suspend license and registrations, increase the maximum amount of liability required under a motor vehicle liability policy, and increase the amount of money required as proof of financial responsibility.

Committee on Judiciary.

By Mr. Mitchem:

S. 438. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975, regarding paint; labeling requirements; provisions for enforcement; collection of inspection fees; penalty for violation.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Keener:

S. 439. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

Committee on Governmental Affairs.

By Mr. St. John:

S. 440. To create and establish a state land resources information center within the Legislative Fiscal Office; to prescribe certain data and information to be compiled by such center and to provide for the administration of such center.

Committee on Finance and Taxation.

By Mr. Miller:

S. 441. To amend Sections 37-1-12 and 37-1-12.1 of the Code of Alabama 1975, relating to the appointment and employment of personnel in the Alabama Public Service Commission, so as to provide that such employees may be appointed or employed within or without the merit system and shall be entitled to all benefits as the classified service personnel.

Committee on Governmental Affairs.

By Mr. Harrison:

S. 442. To amend Act 80-278, H. 496, 1980 Regular Session, which relates to counties and municipalities forming solid waste facilities, so as to prohibit said facilities from bidding or paying compensation for solid waste or recyclables being privately processed.

Committee on Governmental Affairs.

By Mr. Britnell:

S. 443. Providing for a decrease in the 1980-81 appropriation to the teachers' retirement system; providing a method for the return of this money to the state treasury; providing for the creation of a preretirement death fund effective as to all active employees covered by the teachers' or employees' retirement system of Alabama; and providing that no appropriations shall be necessary to fund the provisions of this bill.

Committee on Finance and Taxation.

By Mr. Britnell:

S. 444. To provide for mechanical sewage treatment plants for use to treat wastewater from individual homes.

Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Albright, Hall, Gregg, Smith (M), Smith (J) and Riddick:

H. J. R. 117. COMMENDING MR. JAMES RECORD FOR EXTRAORDINARY SERVICE TO MADISON COUNTY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Rules were suspended and the Resolution, H. J. R. 117, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 110. HONORING MR. WALTER ALBERT GREENE, PROMINENT SUMTER COUNTY BUSINESSMAN AND CIVIC LEADER.

Also:

By Reps. Pegues and Cosby:

H. J. R. 111. COMMENDING MARION MILITARY INSTITUTE ON ITS FORMAL REVIEW HONORING THE COURAGEOUS MEN AND WOMEN OF OUR ARMED FORCES WHO SERVED DURING THE VIETNAM CONFLICT.

Also:

By Reps. Kennedy, Sandusky, Bedsole, Harper (T), Stewart, Parker, Clark (W), Zoghby, Buskey, Turner, and McMillan.

H. J. R. 113. COMMENDING MISS RAMONA LORET DOYLE.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 110, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution, H. J. R. 111, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 113, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### RESOLUTIONS

Mr. Holmes offered the following Senate Joint Resolution, to-wit:

**S. J. R. 63. REQUIRING THE USE OF GASOHOL, WHEN AVAILABLE IN SUFFICIENT SUPPLY, IN ALL STATE VEHICLES.**

WHEREAS, because of the instability and uncertainty of world petroleum supplies, and because of the threat which dependency on foreign petroleum resources poses to our nation's economic security, the Legislature of Alabama fully supports the development and use of non-petroleum energy products; and

WHEREAS, the Alabama Legislature is of the further opinion that the production and use of alcohol as a fuel will not only promote our nation's goal of energy self-sufficiency, but will provide an expanded market for our state's farm products; and

WHEREAS, as an additional benefit, "gasohol," the term used for a mixture of methyl or ethyl alcohol in gasoline, is a cleaner burning fuel and its use ultimately will result in a cleaner environment for our state and nation; and

WHEREAS, in historic manner, the State of Alabama once again has the opportunity to display its patriotism through leadership; now therefore;

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That, upon availability of a sufficient supply, the use of gasohol is hereby required in all vehicles of all departments and agencies of the State of Alabama at the discretion of the Governor.

Which was read and referred to the Standing Committee on Rules.

Mr. Teague offered the following Senate Joint Resolution, to-wit:

**S. J. R. 64. HONORING AND CONGRATULATING COACH CHARLES MILLER OF TALLADEGA HIGH SCHOOL.**

WHEREAS, the Alabama Legislature notes with high praise and admiration that Coach Charles "Chuck" Miller of Talladega High School has entered a most select group of basketball coaches by attaining his 500th victory during a truly remarkable career; and

WHEREAS, a native of Oxford, Alabama, and a graduate of Oxford High School, Chuck Miller graduated from Snead State Junior College, then attended Florida State University; his education, interrupted by military service during the Korean Conflict, was completed at Jacksonville State University; and

WHEREAS, his coaching career began at Alexandria High School in Calhoun County where he remained several years before accepting a position in Winter Garden, Florida, for one year; upon his return to Alabama, he began coaching at Talladega High where he has remained for 19 seasons; and

WHEREAS, during Coach Miller's outstanding career, he has led 18 of 25 teams to 20-win seasons and has taken 7 teams to the state playoffs; his career record stands now at a phenomenal 511-205, having finished this season 21-9, and his winning percentage is .7136; and

WHEREAS, the highlight of Coach Miller's career, his 500th victory, was in tournament play over Talladega County Training School on December 30, 1980; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Coach Charles "Chuck" Miller on his brilliant coaching career, express deep gratitude for his dedicated guidance to young athletes in Alabama, and congratulate him on his 500th career victory as a basketball coach.

BE IT FURTHER RESOLVED, That Coach Miller receive a copy of this resolution tendered in appreciation and praise, and in evidence of our high regard.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. deGraffenried, Robertson, and Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 65. COMMENDING AND CONGRATULATING THE TUSCALOOSA ACADEMY KNIGHTS, STATE BASKETBALL CHAMPIONS, ALABAMA PRIVATE SCHOOL ASSOCIATION.

WHEREAS, with great pride, the Legislature of Alabama heartily congratulates the Tuscaloosa Academy Knights as State Basketball Champions of the Alabama Private School Association; and

WHEREAS, thirty big games, and as many "wins," made for a perfect season for the Knights and the State Crown, as well as the District I title and championships in both the Heritage A and Pickens A Basketball Tournaments; and

WHEREAS, under the talented direction and leadership of Head Coach Scott Brenizer and his assistant coach, Don McNabb, Tuscaloosa Academy's season average was a phenomenal 61.3 points per game to their opponents 38.8; and

WHEREAS, to be highly praised for their individual effort and contributions, all season long, are Academy Knights: Kyle Bryan, Bill Cooper, Jerry Fritz, Mark Gatewood, Jeff Johnson, Robert Morrow, Marc Mullins, Courtney Smith, Bud Standeffer, Johnny Sumner and Ricky White; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Tuscaloosa Academy as the State Basketball Champions of the Alabama Private School Association and heartily congratulate both coaches and team on their perfect season as well as the prestigious title.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Headmaster William R. Garrison for appropriate school display with a copy also forwarded to Coach Brenizer on behalf of Coach McNabb and the entire basketball squad.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.



Messrs. deGraffenried, Robertson, Cook, Bailey, Barron, Britnell, Calahan, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 66. NAMING OCTOBER 23, 1981, IN HONOR OF PAUL W. BRYANT OF THE UNIVERSITY OF ALABAMA.

WHEREAS, the Crimson Tide versus Rutgers University, October 24, 1981, is Homecoming for University of Alabama alumni; and

WHEREAS, Homecoming '81 will be number 24 for Coach Paul Bryant since returning to his alma mater as Head Football Coach in 1958; and

WHEREAS, it is significant to note that since his return, the Crimson Tide has never lost a homecoming game, an outstanding accomplishment for Coach Bryant and his teams of 23 consecutive victories that have made "Homecoming" at Bama a memorable occasion for more than two decades; and

WHEREAS, in its desire to honor Coach Paul W. Bryant, the Alabama Legislature deems it particularly fitting to pay tribute to our nation's most famous college football coach during homecoming festivities in Tuscaloosa; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate October 23, 1981, as Paul W. Bryant Day in the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Coach Bryant, in token of this honorary designation executed in sincere appreciation for the fame and honor he has brought not only to the University but to the entire State of Alabama as well.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 56. HONORING MRS. MARCIA M. SEARS UPON HER ELECTION AS PRESIDENT OF THE ALABAMA PRESS ASSOCIATION.

Also:

S. J. R. 57. HONORING COACH JOHN W. COX OF CHILDERSBURG, ALABAMA.

Also:

S. J. R. 58. COMMENDING MR. HOKE KERNS FOR EXTRAORDINARY SERVICE AS COMMISSIONER OF MEDICAL SERVICES ADMINISTRATION.

Also:

S. J. R. 59. COMMENDING WESLEY LANCE LAIRD FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

S. J. R. 60. EXTENDING THE CONGRATULATIONS AND BEST WISHES OF THE LEGISLATURE TO ALICE JO BURTON.

Also:

S. J. R. 61. MOURNING THE DEATH OF DR. RALPH DEMPSEY BROWN, PROMINENT TUSCALOOSA CHIROPRACTOR AND FORMER STATE REPRESENTATIVE.

Also:

S. J. R. 62. WELCOMING COACH PATRICK DYE TO ALABAMA AS HEAD FOOTBALL COACH AT AUBURN UNIVERSITY.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### REPORTS OF COMMITTEES

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Manley, et al:

H. 297. To define capital offenses; to provide for a sentence of life imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for appellate review of convictions and sentences in cases in which defendants are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions for use in cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary re-interpreted; to provide for severability; to specify the way the act is to be applied if the death penalty provisions of it are declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, § 13-11-1 through § 13-11-9, also codified as § 13A-5-30 through § 13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

By Mr. Barron:

S. 350. Relating to the fifteenth judicial circuit: to create the office of official grand jury reporter for the grand juries of the counties comprising such circuit; to provide for the duties, powers, method of appointment and salary of said reporter.

By Rep. Manley:

H. 82. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1980 session of the Legislature, with the exception of the Alabama Business Corporation Act (Act No. 80-633, H. 81, 1980 Regular Session), as contained in the 1980 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Figures (With Amendment):

S. 270. To repeal Section 12-12-73 of the Code of Alabama (1975), which presently appears to require a supersedeas bond in order to appeal from District Court to Circuit Court and thereby obtain a trial by jury.

By Mr. St. John (With Amendment):

S. 194. To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to fix the time limits for filing a disclaimer and to provide for the manner of the delivery and filing of the disclaimer; to provide for the form of the disclaimer; to determine the effect of the disclaimer; to provide for waiver and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to ensure that this Act is construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes; to provide for severability of the provisions of this Act; and to provide for a retroactive effective date for the provisions of this Act.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 322. To change the name of the capitol security officers to state capitol police officers, to provide for the powers, duties, and jurisdiction of state capitol police officers, to provide that state capitol police officers shall be provided a uniform of a type and color as prescribed by the director of finance, and to provide that the state department of finance is authorized to insure state capitol police officers against personal injury or death while discharging their duties.

By Rep. Gafford:

H. 171. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

By Mr. Higginbotham:

S. 134. To prohibit certain acts relating to tampering with motor vehicle odometers, to require transferor's giving of an odometer certification, recording of mileage on title or bill of sale; and to provide penalties for violation.

By Mr. St. John:

S. 108. To require the chief administrative official of each hospital to report to the Alabama State Board of Medical Examiners any disciplinary action taken concerning any physician when such action is related to professional ethics, medical incompetence, moral turpitude, or drug or alcohol abuse; to define disciplinary action; to require the report to be in writing and made within sixty (60) days of the date of the action; to require any professional society of physicians which takes formal disciplinary action against a member to report such action to the Alabama State Board of Medical Examiners when the action taken is related to professional ethics, medical incompetence, moral turpitude or drug or alcohol abuse; to require the report to be in writing and made within sixty (60) days of the action; to provide that any report made pursuant to this act shall be privileged from discovery; and to provide that the individual making the report shall be immune from liability.

By Mr. Hilliard:

S. 216. Requiring that for any disclaimer of an implied warranty under Section 7-2-316(3)(a) of the Code of Alabama (1975) to be enforceable, the language used in connection therewith must be conspicuously printed.

By Mr. Keener:

S. 62. To amend Section 37-1-66 relating to the powers of members of the Enforcement Division of the Public Service Commission.

By Reps. Minus and Manley:

H. 35. To repeal section 12-18-62 of the Code of Alabama 1975 which disallows the practice of law by retired district judges.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald (With Amendments):

S. 392. To consolidate the administration of Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College under a single administration.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Manley (With Amendment):

H. 298. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901 to increase the number of trustees of the University of Alabama and to provide for their election; to provide for the retirement of the trustees; and to alter the terms and provide a maximum number of consecutive terms of service; and to provide for and clarify the position of trustee emeritus.

The above Bill was read a second time at length as required by the Constitution.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Starkey and Greer (with notice and proof):

H. 443. Relating to the Eleventh Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally, or upon appeals to the circuit courts from lower courts.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Dial (with notice and proof) (With Amendment):

H. 492. Relating to Cleburne County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

By Rep. Dial (with notice and proof) (With Amendment):

H. 493. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

By Rep. Dial (with notice and proof) (With Amendment):

H. 494. Relating to Cleburne County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

By Rep. Dial (with notice and proof) (With Amendment):

H. 495. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 195. To amend Section 32-9-21, Code of Alabama, 1975, which provides for a maximum permissible length for any motor bus driven or operated upon Alabama highways so as to further provide for a maximum permissible width for any such motor bus and to repeal all laws in conflict therewith.

By Mr. Callahan:

S. 307. To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that partial and final payment to contractors on school building construction shall be made as provided on Public Work projects.

By Mr. Callahan:

S. 308. To amend Section 37-2-1, Code of Alabama 1975 relating to defining the term "transportation company."

By Mr. Kirkland:

S. 365. Relating to public transportation; providing further for licensing and regulating certain motor vehicles for hire and providing for the disposition of certain fees collected from the licensing of such vehicles.

By Mr. Teague:

S. 427. To amend Code of Alabama 1975, Sections 34-17-24 and 34-17-25, which relate to license fees and penalties for Landscape Architects in Alabama; to increase said fees and penalties to allow for increased costs of administration, to be effective retroactive to October 1, 1980.

By Rep. Manley:

H. 83. To amend Sections 37-2-41, 37-4-23 and 37-4-24 of the Code of Alabama 1975 relating to inspection and supervision fees paid by transportation companies and utilities and the recovery of delinquent fees.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Higginbotham:

S. 135. To amend Code of Alabama, 1975, § 16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

By Messrs. deGraffenried and Robertson:

S. 152. To amend Section 2 of Act No. 80-583, S. 453, Regular Session 1980 (Acts 1980, p. 896) in order to clarify the term of office for the additional district judgeship in Tuscaloosa County.

By Mr. Parsons:

S. 310. To provide for health insurance claim forms; requiring the State Insurance Commissioner to prescribe standard health insurance claim forms to be used by hospitals; requiring acceptance of such forms by insurers doing business in the State of Alabama; requiring the use of such forms by those agencies of the state which pay providers of health care for hospital and physicians' services.

### MOTIONS IN WRITING

Mr. Holmes offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 106, on page 84 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 106, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 188, on page 78 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 188, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### CONSENT CALENDAR BILLS ON THIRD READING

The Bill:

S. 135. To amend Code of Alabama, 1975, § 16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	Martin	Smith
Barron	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Parsons	Vacca
Denton	Holmes	Proctor	Weeks
Glass	Keener	Robertson	White
Goodwin	Lemaster		

—29

Nays:

—0

The Bill:

S. 152. To amend Section 2 of Act No. 80-583, S. 453, Regular Session 1980 (Acts 1980, p. 896) in order to clarify the term of office for the additional district judgeship in Tuscaloosa County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	Robertson
Bailey	Goodwin	Lemaster	St. John
Barron	Gulledge	Little	Smith
Callahan	Hall	Martin	Taylor
Cook	Harrison	McDonald	Vacca
deGraffenried	Hilliard	Miller	Weeks
Denton	Holmes	Parsons	White

—27

*Nays:* —0

The Bill:

S. 310. To provide for health insurance claim forms; requiring the State Insurance Commissioner to prescribe standard health insurance claim forms to be used by hospitals; requiring acceptance of such forms by insurers doing business in the State of Alabama; requiring the use of such forms by those agencies of the state which pay providers of health care for hospital and physicians' services.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 1.

*Yeas:*

Messrs.:	Denton	Holmes	Mitchem
Bailey	Glass	Keener	Parsons
Barron	Goodwin	Lemaster	Robertson
Callahan	Gulledge	Little	St. John
Cook	Hall	McDonald	Vacca
deGraffenried	Harrison	Miller	White

—23

*Nay:* Mr. Weeks —1

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 67. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the ninth legislative day only:



BILL NO.	PAGE NO.	DESCRIPTION
H. B. 11	88	Cert. employers remit to Dept. of Revenue income tax withheld from employees
S. B. 208	52	AL Mental Health Finance Auth., Bd. powers
S. B. 209	54	Mental Health, AL. Bev. Tax, remainder, retr. bonds
S. B. 210	56	Mental Health, AL. Bev. Tax, remainder, pd. direct
S. B. 211	57	Mental Health Bd., revenues dep., pay bonds
S. B. 212	59	Mental Health Bd., revenues der., Road & Bridge
S. B. 213	60	Mental Health Bd., diverted
S. B. 214	61	Mental Health Bd., diverted
S. B. 215	63	Mental Health Bd., disposition of revenue

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

#### MOTIONS IN WRITING

Mr. Weeks offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 383, on page 99 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 383, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Weeks then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 292, on page 75 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 292, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 90, on page 24 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 90, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Proctor then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 99, on page 63 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 99, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## UNFINISHED BUSINESS

### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 207. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the State Mental Health Officer, the Director of Finance, two designees of the Lieutenant Governor from the membership of the Alabama Senate and two designees of the Speaker of the House of Representatives from the membership of the said House to become a corporation to be known as the Alabama Mental Health Finance Authority; to prescribe the manner of formation of said Authority; to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to issue and sell bonds and to loan the proceeds thereof to the Alabama Mental Health Board for construction, reconstruction, alteration and improvement of buildings and other facilities, including the procurement of sites and equipment therefor, for mental health purposes in the State; to provide for the execution, form and terms of the bonds of the Authority; to provide that such bonds shall bear interest at a rate or rates not to exceed twelve percent (12%) per annum; to provide that such bonds and the interest thereon shall be payable solely from the revenues and receipts of the Authority under its loan agreements with the Alabama Mental Health Board and that such bonds shall nevertheless constitute negotiable instruments; to authorize the Authority to pledge and assign its loan agreements with the Alabama Mental Health Board as security for the payment of the principal and interest on the bonds of the Authority; to provide that such bonds shall not be debts or obligations of the State; to provide that such bonds and the income therefrom shall be exempt from taxation, and that such bonds may be used to secure deposits of funds of the State and its political subdivisions, instrumentalities and agencies and for investment of fiduciary funds; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to provide that the State Treasurer or a corporate trustee shall be custodian of the funds of the Authority; to provide that all bonds of the Authority may be refunded by the issuance of refunding bonds; to authorize the Authority to borrow money for temporary use in anticipation of the issuance and sale of its bonds; to provide for exemption of the properties, income and filings of the Authority from taxation; to provide for disposition of funds and properties of the Authority when its bonds have been paid or provided for; and to provide for the dissolution of the Authority.

as amended.

The question was on the amendment offered by Mr. Little, which said amendment is set out in the Journal of the Senate for the Eighth Legislative Day.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 46. MOURNING THE DEATH OF WILLIAM N. MCQUEEN.

Also:

S. J. R. 48. CONGRATULATING MISS KATHRINA DENISE GUNN, IMPERIAL DEBUTANTE QUEEN.

Also:

S. J. R. 49. HONORING DR. BEATRYCE T. NEWTON, ASSOCIATE PROFESSOR OF EDUCATION, UNIVERSITY OF ALABAMA IN BIRMINGHAM.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 40. CONGRATULATING AND COMMENDING GORDO HIGH SCHOOL, CLASS 2A STATE FOOTBALL CHAMPIONS.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 110. HONORING MR. WALTER ALBERT GREENE, PROMINENT SUMTER COUNTY BUSINESSMAN AND CIVIC LEADER.

Also:

H. J. R. 111. COMMENDING MARION MILITARY INSTITUTE ON ITS FORMAL REVIEW HONORING THE COURAGEOUS MEN AND WOMEN OF OUR ARMED FORCES WHO SERVED DURING THE VIETNAM CONFLICT.

Also:

H. J. R. 113. COMMENDING MISS RAMONA LORET DOYLE.

Also:

H. J. R. 117. COMMENDING MR. JAMES RECORD FOR EXTRAORDINARY SERVICE TO MADISON COUNTY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF S. B. 207

The Senate proceeded to further consideration of the Bill, S. B. 207, as amended. The question was on the amendment offered by Mr. Little.

On motion of Mr. Teague, further consideration of the Bill, S. B. 207, as amended, was postponed temporarily.

### UNANIMOUS CONSENT GRANTED

Mr. Teague requested and received unanimous consent to bring up the Bill:

H. 11. To amend § 40-18-74, Code of Alabama 1975, to require certain employers to remit to the Department of Revenue on a monthly basis the amount of income tax required to be deducted and withheld from the wages of their employees.

On motion of Mr. Teague, further consideration of the Bill, H. B. 11, was postponed temporarily.

### MOTIONS IN WRITING

Mr. Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 123, on page 85 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 123, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Mitchem then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 278, on page 37 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 278, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### FURTHER CONSIDERATION OF S. B. 207

The Senate proceeded to further consideration of the Bill, S. B. 207, as amended. The question was on the amendment offered by Mr. Little.

On motion of Mr. deGraffenried, said amendment was laid on the table.

#### RESOLUTIONS

Mr. Miller offered the following Senate Joint Resolution, to-wit:

##### S. J. R. 68. CONGRATULATING KINSTON HIGH SCHOOL, STATE 1A BASKETBALL CHAMPIONS.

WHEREAS, Kinston High School is to be congratulated on its outstanding basketball season, one of the best in the school's history and one which led to the coveted 1A High School Championship; and

WHEREAS, under Head Coach Pete Kelly, most ably assisted by Coach Tim Archie, Kinston High ended its regular season with an impressive 20-11 record, and it was a Bulldog Title by virtue of their final tournament win over Courtland High School; it was the third State Championship for the school, having captured the crown last in 1968 as a 2A team; and

WHEREAS, the team's remarkable achievement came as a result of countless hours of dedicated practice by the players who worked together, as one, with a strong sense of team spirit and a high degree of technical skill; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Kinston High School Bulldogs on their tremendously successful season and heartily congratulate them on winning the State 1A Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coffee County School Superintendent John W. Vaughan, also to Principal R. L. Cain for appropriate school display and to Coach Kelly on behalf of his staff and the entire team.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Miller then offered the following Senate Joint Resolution, to-wit:

##### S. J. R. 69. COMMENDING NEW BROCKTON HIGH SCHOOL, STATE 2A BASKETBALL CHAMPIONS.

WHEREAS, New Brockton High School, traditionally, has produced outstanding basketball teams throughout the years; and

WHEREAS, the New Brockton Gamecocks, once again, have exemplified excellence in athletics and in sportsmanship, culminating an outstanding 20-8 regular season by capturing the State 2A Basketball Championship by virtue of a title victory over Vincent High School on February 28, 1981; and

WHEREAS, this accomplishment must be credited in great measure to Head Coach Charles B. Cole and his assistant, Kenneth Daniels, for their talented direction and leadership which helped develop the high level of technical skill displayed by the Gamecocks throughout the entire season; and

WHEREAS, winning the crown was the direct result of many long hours of hard, dedicated practice and discipline, and each and every member of the team is to be congratulated for his part in the Gamecocks' fine season, and the championship which was the third title for the school, having won the crown last in 1968 as a 1A team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend the New Brockton High School Gamecocks on their outstanding season and on their 2A Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coffee County School Superintendent John W. Vaughan, to Principal Stanley H. Walker for appropriate school display, and to Coach Cole on behalf of his staff and the entire team.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF S. B. 207

The Senate proceeded to further consideration of the Bill, S. B. 207, as amended.

Mr. White offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

#### AMENDMENT TO S. B. 207, AS AMENDED

On pages 3 and 4, delete Section 1 in its entirety and renumber the remaining sections.

Which was adopted.

Yeas 26; Nays 2.

*Yeas:*

Messrs.:	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	White
Denton	Keener	Robertson	

—26

*Nays:* Messrs.: Proctor, Weeks.

—2

Mr. White then offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

#### AMENDMENT TO S. B. 207, AS AMENDED

Amend S. 207 as follows:

On page 4, Section 3, line 31, delete the word "four" and insert in lieu thereof:

eight

On page 4, Section 3, line 31, delete the word "two" and insert in lieu thereof:

four

On page 4, Section 3, line 34, delete the word "two" and insert in lieu thereof:

four

On page 6, Section 6, line 19, delete the words "any three" and insert in lieu thereof:

a majority of the

Which was adopted.

Yeas 22; Nays 6.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Smith	
Bailey	Gulledge	Little	Taylor	
Callahan	Harrison	Martin	Teague	
Cook	Higginbotham	Mitchem	Vacca	
deGraffenried	Holmes	Robertson	White	
Denton	Keener	St. John		—22

*Nays:*

Messrs.:	Hilliard	Parsons	Weeks	
Barron	Kirkland	Proctor		—6

Mr. Robertson offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

#### AMENDMENT TO S. B. 207, AS AMENDED

Amend S. B. 207 as follows:

On page 9, line 10, after the period, insert the following language:

Provided, however, no bonds shall be sold by the Authority until Title 19 funds or medicaid payments to the Mental Health Board for repayment of the bonds have been started or until an agreement has been signed that such payments shall begin at a certain time.

Mr. Callahan moved that said amendment be laid on the table, which motion was lost.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 64. HONORING AND CONGRATULATING COACH CHARLES MILLER OF TALLADEGA HIGH SCHOOL.

Also:

S. J. R. 65. COMMENDING AND CONGRATULATING THE TUSCALOOSA ACADEMY KNIGHTS, STATE BASKETBALL CHAMPIONS, ALABAMA PRIVATE SCHOOL ASSOCIATION.

Also:

S. J. R. 66. NAMING OCTOBER 23, 1981, IN HONOR OF PAUL W. BRYANT OF THE UNIVERSITY OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Harper (T) and Turner (with notice and proof):

H. 229. To regulate and control the operation and licensing of massage parlors within Mobile County; and providing penalties for violation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 229, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Starkey and Coburn (with notice and proof):

H. 397. Relating to the City of Florence; repealing Act No. 2459, H. 2839 of the 1971 Regular Session (Acts 1971, Vol. V, p. 3925), entitled "An Act To prohibit the City of Florence, or any agency thereof, from collecting outside the corporate limits of said city any permit fees, inspection fees or other fees with respect to the enforcement of any building code provision; to provide that building code provisions may be enforced within the police jurisdiction of said city, but to limit the collection of all fees and charges therefor to the area within the corporate limits of the City of Florence."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 397, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Greer, Coburn and Starkey (with notice and proof):

H. 476. Relating to the Town of Killen, Lauderdale County; providing for annexation to the Town of Killen.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 476, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.



Also:

By Rep. Gilmer:

H. 568. To repeal Act No. 158, 1969 Special Session, and Act No. 950, 1969 Regular Session, relating to compensation and expense allowances paid to the board of equalization in counties with a population of not less than 13,700 nor more than 14,300 inhabitants.

Also:

By Rep. Gilmer (with notice and proof):

H. 569. Relating to Lamar County; providing for the amount of compensation to be paid members of the jury commission, board of equalization and the board of registrars.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 569, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 576. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Cleburne County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Cleburne County; and prescribing the procedure for the collection of such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 576, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Venable (with notice and proof):

H. 587. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Elmore County shall have or exercise police jurisdiction within Elmore County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Elmore County or over or on any person in Elmore County or property or business or trade or profession in Elmore County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Elmore County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Elmore County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 587, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 229, 397, 476, 568, 569, 576, and 587. To the Committee on Local Legislation No. 1.

FURTHER CONSIDERATION OF S. B. 207

The Senate proceeded to further consideration of the Bill, S. B. 207, as amended. The question was on the amendment offered by Mr. Robertson, which was lost.

Yeas 7; Nays 19.

*Yeas:*

Messrs.:	Hall	Little	Robertson
Barron	Hilliard	Parsons	Weeks

—7

*Nays:*

Messrs.:	Figures	Keener	St. John
Callahan	Goodwin	Martin	Taylor
Cook	Gulledge	McDonald	Teague
deGraffenried	Higginbotham	Miller	Vacca
Denton	Holmes	Mitchem	White

—19

FURTHER CONSIDERATION OF H. B. 11

The Senate proceeded to further consideration of the Bill, H. B. 11.

Mr. Barron offered the following amendment to the Bill, H. B. 11, to-wit:

AMENDMENT TO H. B. 11

Amend H. B. 11 by striking therefrom in its entirety the House amendment as follows:

"Section 4. This Act should become effective on the first day of the next quarter of the state fiscal year that commences after passage of this act."

Which was adopted.

Yeas 23; Nays 1.

*Yeas:*

Messrs.:	Gulledge	Keener	Parsons
Barron	Hall	Lemaster	Robertson
Cook	Harrison	Little	Taylor
deGraffenried	Higginbotham	Martin	Teague
Denton	Hilliard	McDonald	Vacca
Goodwin	Holmes	Mitchem	White

—23

*Nay:* Mr. St. John.

—1

Mr. Barron then offered the following amendment to the Bill, H. B. 11, as amended, to-wit:

AMENDMENT TO H. B. 11, AS AMENDED

Amend House Bill No. 11, as amended, Page 3 Line 5, by striking out Section 4 in its entirety and substituting in lieu thereof the following:

"Section 4. This act should become effective on July 1, 1981."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	St. John	
Barron	Goodwin	Little	Taylor	
Britnell	Gulledge	Martin	Teague	
Callahan	Hall	Mitchem	Vacca	
Cook	Harrison	Parsons	Weeks	
deGraffenried	Higginbotham	Robertson	White	
Denton	Holmes			—25

*Nays:*

—0

And said Bill, H. B. 11, as thus amended, was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	St. John	
Barron	Hall	Little	Smith	
Callahan	Harrison	Martin	Taylor	
deGraffenried	Hilliard	McDonald	Teague	
Denton	Holmes	Miller	Weeks	
Glass	Keener	Mitchem	White	
Goodwin	Kirkland	Parsons		—26

*Nays:*

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 68. CONGRATULATING KINSTON HIGH SCHOOL, STATE 1A BASKETBALL CHAMPIONS.

Also:

S. J. R. 69. COMMENDING NEW BROCKTON HIGH SCHOOL, STATE 2A BASKETBALL CHAMPIONS.

JOHN W. PEMBERTON,  
Clerk.

FURTHER CONSIDERATION OF S. B. 207

The Senate proceeded to further consideration of the Bill, S. B. 207, as amended.

Mr. Barron offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

AMENDMENT TO S. B. 207, AS AMENDED

Amend Senate Bill No. 207, as amended, Page 7, Line 21, by adding the following Section 7, and renumbering subsequent sections accordingly:

"Section 7. Qualifications of Members, Officers and Directors. No individual shall be eligible for appointment or to serve, as a member, officer or director of the 'Authority' who has or who has had, directly or indirectly, any interest of any nature or kind in or with:

1. Any contractor who performs or has performed any construction work for the Alabama Mental Health Board;

2. Any supplier or former supplier of any materials, goods or services for the Alabama Mental Health Board;

3. Any bond brokerage firm, agent or agency which participates or has participated in the purchase, sale or placement of any bonds issued for or on behalf of the Alabama Mental Health Board;

4. Any attorney or law firm who performs or has performed legal services for the Alabama Mental Health Board, or who has been connected in any manner with the issuance of any bonds for or on behalf of the Alabama Mental Health Board;

5. Except for ex-officio membership, no member, officer or director shall be eligible to be or become a candidate for any elective office during his or her tenure, or for a period of one year thereafter."

On motion of Mr. Callahan, said amendment was laid on the table.

Yeas 15; Nays 11.

*Yeas:*

Messrs.:	Glass	Higginbotham	Mitchem
Callahan	Goodwin	Holmes	St. John
Cook	Gulledge	Keener	Smith
deGraffenried	Harrison	Miller	Vacca

—15

*Nays:*

Messrs.:	Hall	Parsons	Taylor
Barron	Kirkland	Proctor	Weeks
Denton	Little	Robertson	White

—11

Mr. Proctor offered the following amendment to the Bill, S. B. 207, as amended, to-wit:

## AMENDMENT TO S. B. 207, AS AMENDED

Amend Senate Bill No. 207, as amended, on page 4, Section 3, Line 31, delete the word eight and insert in lieu thereof

ten.

On Page 4, Section 3, Line 31, delete the word two and insert in lieu thereof  
six.

On Page 4, Section 3, Line 38 delete the word four and insert in lieu thereof

six.

Mr. deGraffenried moved that said amendment be laid on the table, which motion was lost.

Yeas 11; Nays 15.

*Yeas:*

Messrs.:	deGraffenried	Harrison	McDonald	
Callahan	Glass	Holmes	St. John	
Cook	Goodwin	Keener	Vacca	—11

*Nays:*

Messrs.:	Higginbotham	Little	Robertson	
Barron	Hilliard	Mitchem	Taylor	
Denton	Kirkland	Parsons	Weeks	
Hall	Lemaster	Proctor	White	—15

And said amendment was then adopted.

Yeas 17; Nays 11.

*Yeas:*

Messrs.:	Hall	Little	Robertson	
Bailey	Harrison	Miller	Taylor	
Barron	Hilliard	Parsons	Weeks	
Denton	Kirkland	Proctor	White	
Glass	Lemaster			—17

*Nays:*

Messrs.:	deGraffenried	Keener	St. John	
Callahan	Goodwin	Martin	Teague	
Cook	Holmes	McDonald	Vacca	—11

And said Bill, S. B. 207, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 5.

*Yeas:*

Messrs.:	Glass	Keener	Parsons
Bailey	Goodwin	Kirkland	Proctor
Britnell	Gulledge	Lemaster	Robertson
Callahan	Hall	Martin	St. John
Cook	Harrison	McDonald	Smith
deGraffenried	Hilliard	Miller	Teague
Denton	Holmes	Mitchem	Vacca

—27

*Nays:*

Messrs.:	Little	Weeks	White
Barron	Taylor		

—5

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 11. To amend §40-18-74, Code of Alabama 1975, to require certain employers to remit to the Department of Revenue on a monthly basis the amount of income tax required to be deducted and withheld from the wages of their employees.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Patton, Payne, Bedsole and Amari:

H. 118. To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 118. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (J):

H. 32. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-13 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the

general rule for transition of the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 32. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bedsole (with notice and proof):

H. 14. To amend Section 2 of Act No. 929, H. 1365, 1961 Regular Session (Acts 1961, p. 1487), relating to the Mobile Tree Commission.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 14., as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 14. To the Committee on Local Legislation No. 1.

#### UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED

The Senate then proceeded to consideration of the second item of Unfinished Business for today which was the Bill:

S. 9. Relating to voter registration; to amend Code of Alabama 1975, Section 17-4-158, so as to require that all city clerks be appointed as deputy registrars.

Mr. Taylor offered the following amendment to the Bill, S. B. 9., to-wit:



## AMENDMENT TO S. B. 9

Amend Senate Bill No. 9 Page 1, Line 24, by striking out the word "shall" and inserting the word "may" in place thereof.

On motion of Mr. Gulledge, said amendment was laid on the table.

Yeas 16; Nays 8.

*Yeas:*

Messrs.:	Higginbotham	Lemaster	Robertson	
Cook	Hilliard	Little	St. John	
Denton	Holmes	Martin	Smith	
Figures	Keener	Parsons	Vacca	
Gulledge				—16

*Nays:*

Messrs.:	Harrison	Mitchem	Taylor	
Barron	Kirkland	Proctor	Weeks	
Goodwin				—8

Mr. Goodwin moved that said Bill, S. B. 9, be indefinitely postponed.

On motion of Mr. Gulledge, said motion was laid on the table.

Yeas 16; Nays 10.

*Yeas:*

Messrs.:	Hall	Lemaster	St. John	
Britnell	Hilliard	Little	Smith	
Denton	Holmes	Martin	Teague	
Figures	Keener	Robertson	White	
Gulledge				—16

*Nays:*

Messrs.:	Higginbotham	Miller	Taylor	
Callahan	Kirkland	Mitchem	Weeks	
Goodwin	McDonald	Proctor		—10

Mr. Goodwin moved that further consideration of the Bill, S. B. 9., be postponed until the Twenty-Sixth Legislative Day.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Owens, McCorquodale, Dial, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 126. COMMENDING REPRESENTATIVE JAMES G. SASSER.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Weeks, the Rules were suspended and the Resolution, H. J. R. 126., set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### ADJOURNMENT

At 5:30 P.M., on motion of Mr. Keener, in accordance with Joint Resolution heretofore adopted and pending further consideration of the Bill, S. B. 9., the Senate adjourned until Thursday, March 5, 1981, at 1:30 P.M.

Yeas 20; Nays 12.

#### Yeas:

Messrs.:	Glass	Little	Robertson
Bailey	Goodwin	Miller	Smith
Britnell	Hall	Mitchem	Taylor
Cook	Higginbotham	Parsons	Teague
Denton	Keener	Proctor	Weeks
Figures			—20

#### Nays:

Messrs.:	Gulledge	Holmes	McDonald
Barron	Harrison	Kirkland	St. John
Callahan	Hilliard	Martin	White
deGraffenried			—12

## TENTH LEGISLATIVE DAY

THURSDAY, MARCH 5, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by Mr. Dennis Randall, Minister, Highland Church of Christ at Carriage Hills, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Ninth Legislative Day was approved by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 11. To amend §40-18-74, Code of Alabama 1975, to require certain employers to remit to the Department of Revenue on a monthly basis the amount of income tax required to be deducted and withheld from the wages of their employees.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 126. COMMENDING REPRESENTATIVE JAMES G. SASSER.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 6. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Baldwin County.

Also:

S. 110. Relating to Etowah County; setting the compensation of supernumerary district attorneys and providing for a supplement from the general funds of such county under certain circumstances.

Also:

S. 165. Relating to Etowah County; providing further for mileage allowance for returning officers; providing for the payments of such mileage to be made from funds in the county treasury not otherwise appropriated, or in the case of municipal elections, such payments shall be made from municipal funds by the municipal governing body.

JOHN W. PEMBERTON,  
Clerk.

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Figures:

S. 445. To amend Section 11-41-8, Code of Alabama 1975, which provides for validation of prior attempted incorporations that had been invalidated by procedural irregularities, so as to validate all those attempts prior to January 1, 1981.

Committee on Judiciary

By Mr. Barron:

S. 446. To amend Sections 36-26-6 and 36-26-27 of the Code of Alabama 1975 so as to further prescribe hearing procedures for the dismissal and disciplining of state employees when such actions are initiated by the appointing authority.

Committee on Governmental Affairs.

By Mr. Callahan:

S. 447. To provide for the conditional payment of funds to the State Department of Education for 200 Health Service Employees.

Committee on Finance and Taxation.

By Mr. Hall:

S. 448. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

Committee on Banking and Insurance.

By Mr. Callahan:

S. 449. To amend Section 12-17-110, Code of Alabama, 1975, providing for the appointment and removal of circuit court registers, and providing compensation of registers.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 450. To exempt the Villa Mercy, A Corporation, the Allen Memorial Home, Inc., the Little Sisters of the Poor Home for the Aged, Inc., and the Particular Council of Mobile Society of St. Vincent de Paul from all state, county and use taxes.

Committee on Finance and Taxation.

By Mr. Robertson:

S. 451. To further amend and modify the limitations upon re-employment or employment of any retired law enforcement officer by any political subdivision of this state.

Committee on Governmental Affairs.

By Messrs. Mitchem, deGraffenried, Barron and White:

S. 452. To provide that the state agencies, departments, boards or commissions may purchase liability insurance or be the self-insuror of the wrongful acts or omissions committed by their employees, agents, or servants while in the performance of their official duties in the line and scope of their employment; to establish the procedure for notification of the state Attorney General of suits against state employees for acts committed in the line and scope of their performance; and to provide that the charges or costs of such liability insurance or self insurance shall be borne from the general operating funds of the various state agencies, boards, commissions or departments.

Committee on Banking and Insurance.

By Mr. White:

S. 453. To provide that in all civil actions for personal injury, death, or property damage, evidence relating to reimbursement of plaintiff for expenses allegedly incurred as a result of the acts or omissions complained of, shall be admissible; to provide that evidence of the cost of obtaining such reimbursement shall be admissible; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Committee on Judiciary.

By Mr. White:

S. 454. To provide that in all civil actions in the courts of the State of Alabama, the sufficiency of any claim or defense shall be tested by a minimum standard of proof of substantial evidence; to provide that substantial evidence shall be minimum standard of proof to determine whether an issue of fact shall be submitted to a jury; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions or directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Committee on Judiciary.

By Mr. Miller:

S. 455. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41, and 34-29-45 of the Code of Alabama 1975, so as to: limit board members to two terms; authorize the board to increase the following fees: (1) examination fee for veterinarians, not to exceed \$50.00; (2) annual renewal fees for veterinarians, not to exceed \$25.00; (3) examination fee for animal technicians, not to exceed \$25.00; and (4) annual renewal fees for animal technicians, not to exceed \$15.00; and to provide further for the compensation of board members.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 456. To establish the "Protection from Abuse Act"; to provide for proceedings to bring about the cessation of abuse from a family violence disturbance; to provide for hearing, and including the following: injunctive relief directing defendant to refrain from abusing plaintiff, temporary orders of relief granting possession to the plaintiff of a residence or household to the exclusion of defendant, the awarding of temporary custody of and/or temporary visitation rights regarding minor children, temporary support for plaintiff and/or minor children, and emergency relief in an ex parte proceeding; and to provide that the defendants in such proceedings shall have the same rights, remedies and due process, where any wrongful action is instituted, as any defendant in other civil and criminal action.

Committee on Judiciary.

By Messrs. Bailey, Gulledge, Goodwin, Miller, Parsons, Proctor, Kirkland, Britnell, Glass, Vacca, Holmes and Lemaster:

S. 457. To authorize the state department of revenue to issue distinctive motor vehicle license plates to the commander and immediate past commander of the Veterans of Foreign Wars.

Committee on Governmental Affairs.

## RESOLUTIONS

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 70. COMMENDING THE PATRICIAN ACADEMY SAINTS ON THEIR BASKETBALL CHAMPIONSHIP, DISTRICT II, OF THE ALABAMA PRIVATE SCHOOL ASSOCIATION.

WHEREAS, in commendation and in praise, the Alabama Legislature notes the District II Championship, Alabama Private School Association, captured by Patrician Academy of Butler, Alabama, winning the title match 63-62, on February 13, 1981, against Catherine Academy; and

WHEREAS, for the district title and the Saints' commendable 12-7 overall season record, much credit is due to the leadership, talent and ability of Coach Joe Nettles; and

WHEREAS, each and every member of the squad also is to be congratulated for his contribution to such a fine season which led to the Saints' approximate average of 52 points per game against formidable opposition all season long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Patrician Academy Saints on their District II Championship of the Alabama Private School Association.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Headmaster Larry McKenzie for appropriate school display and to Coach Joe Nettles on behalf of his entire team.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Robertson, deGraffenried, Cook, Holmes, Harrison, Bailey, Barron, Britnell, Callahan, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Higginbotham, Hilliard, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 71. DESIGNATING MAY 12, 1981, AS "LAW ENFORCEMENT OFFICERS APPRECIATION DAY" IN ALABAMA.

WHEREAS, throughout our state, thousands of law enforcement officers daily risk their lives while protecting the citizens of Alabama from the lawlessness of criminals and from other individuals who, by their actions, evidence total disregard for the sanctity of life and/or the rights of others; and

WHEREAS, complacent in attitude, we often take for granted the courage displayed by these peace officers who faithfully execute their duties without fanfare, accepting the risks involved as necessary for effective performance; and

WHEREAS, patience, intelligence and concern, perceptiveness and, above all, valor—all are traits possessed by these men and women who police the cities, towns and rural areas of Alabama as guardians of our lives and property; and

WHEREAS, this year, in accord with a 1961 joint resolution of Congress, May 10-16 will be observed as National Police Week and May 15, as set aside by Presidential Proclamation in 1963, is Peace Officers Memorial Day; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in special tribute to all officers of the law throughout our state, and in honor of those who have given their lives in the line of duty, we hereby name and designate May 12, 1981, as Law Enforcement Officers Appreciation Day in the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be distributed to all law enforcement agencies in the State of Alabama, both to advise of this designation and to express the appreciation of the Alabama Legislature on behalf of the citizenry of this state.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 72. COMMENDING THE BIRMINGHAM POLICE DEPARTMENT PERSONNEL FOR OUTSTANDING PERFORMANCE OF DUTY.

WHEREAS, under policies adopted and in effect by the Birmingham Police Department, officers have been unduly restricted as to the use of firearms in preventing criminal acts, halting fleeing felons and/or subduing subjects during arrests; and

WHEREAS, not only do such policies severely hamper the police in the protection of lives and property in the City of Birmingham, but also serve to subject these officers to unnecessary bodily risks, and even possibly loss of life; and



WHEREAS, despite the fact that Birmingham's many fine police officers have been subjected to unwarranted censure, derision and villification from certain segments of the city's population, they continue to perform their duties with stoic endurance; though under great stress and strain from criticism by ingrates, they remain Birmingham's finest examples of courage and of concern for their fellowman; and

WHEREAS, State Senator Ed Robertson, and indeed the entire Alabama Legislature, stand solidly in support of the officers of the Birmingham Police Department as well as all law enforcement officers statewide; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend all members of the Birmingham Police Department for outstanding performance of duty and direct that the department receive a copy of this resolution evidencing our support and high regard.

Which was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 116. NAMING THE ATTALLA, ALABAMA, RECREATION BUILDING THE "WILLIE CARNES RECREATION BUILDING."

WHEREAS, Willie J. Carnes is now serving his third consecutive term as Mayor of the City of Attalla; he previously served two terms, from 1960 until 1968, as a member of the Attalla City Council; and

WHEREAS, a jeweler and watchmaker for some twenty years, Mayor Carnes also was employed for eight years as Transportation Supervisor for the Etowah County Board of Education; and

WHEREAS, Mayor Carnes has also long evidenced his civic concern as a member of the Attalla Chamber of Commerce and through his deep involvement in the affairs of the Stowers Hill Baptist Church of Attalla; and

WHEREAS, a Mason and a member of the American Legion, Mayor Carnes is one of his community's most prominent citizens and it is deemed appropriate by the Alabama Legislature that he be honored for his contributions to the City of Attalla and the well-being of all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the city recreation building located at 612 Case Avenue, Attalla, Etowah County, Alabama, is hereby named and designated as the "Willie Carnes Recreation Building."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said building as the "Willie Carnes Recreation Building."

RESOLVED FURTHER, That Mayor Carnes receive a copy of this resolution as a memento of this honorary designation and in token of our high regard.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Keener, the Rules were suspended and the Resolution H. J. R. 116, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 46. MOURNING THE DEATH OF WILLIAM N. McQUEEN.

Also:

S. J. R. 48. CONGRATULATING MISS KATHRINA DENISE GUNN, IMPERIAL DEBUTANTE QUEEN.

Also:

S. J. R. 49. HONORING DR. BEATRYCE T. NEWTON, ASSOCIATE PROFESSOR OF EDUCATION, UNIVERSITY OF ALABAMA IN BIRMINGHAM.

Also:

S. J. R. 64. HONORING AND CONGRATULATING COACH CHARLES MILLER OF TALLADEGA HIGH SCHOOL.

Also:

S. J. R. 65. COMMENDING AND CONGRATULATING THE TUSCALOOSA ACADEMY KNIGHTS, STATE BASKETBALL CHAMPIONS, ALABAMA PRIVATE SCHOOL ASSOCIATION.

Also:

S. J. R. 66. NAMING OCTOBER 23, 1981, IN HONOR OF PAUL W. BRYANT OF THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 68. CONGRATULATING KINSTON HIGH SCHOOL, STATE 1A BASKETBALL CHAMPIONS.

Also:

S. J. R. 69. COMMENDING NEW BROCKTON HIGH SCHOOL, STATE 2A BASKETBALL CHAMPIONS.

ALBERT McDONALD,  
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Resolutions Committee on Rules.

#### REPORTS OF COMMITTEES

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. deGraffenried:

S. 372. To amend Section 8-1-1, Code of Alabama 1975, which prohibits contracts restraining business, so as to provide further for covenants not to compete within said contracts.

By Mr. Taylor:

S. 358. To amend Section 25-4-75, Code of Alabama 1975, as last amended, to comply with the requirement of federal law as contained in public Law 96-499 relating to benefits under the extended benefit program so as to provide for a limit to the first 2 weeks of benefits paid on an interstate claim filed in an agent state where no extended benefit period is in effect; to provide restrictions on eligibility for such benefits to individuals who fail to accept any offer of suitable work and to define "suitable work", actively engage in systematic and sustained effort to find work and to furnish tangible evidence of such efforts; to provide penalties for violations thereof; and to meet the requirements that these provisions become effective for weeks of unemployment commencing after March 31, 1981.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan (with notice and proof):

S. 281. Relating to Mobile County; to exempt Mobile County from the provisions of any Act of the 1981 Regular Session of the Alabama Legislature increasing the salaries of state troopers or any other employee of the Alabama Department of Public Safety.

By Reps. Harper (T) and Turner (with notice and proof):

H. 229. To regulate and control the operation and licensing of massage parlors within Mobile County; and providing penalties for violation.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McDonald, Holmes, Smith and Miller (With Substitute):

S. 351. To promulgate "The Motor Vehicle Franchise Act" in order to provide for the regulation of motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation

of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 406. To amend Code of Alabama 1975, §40-12-248(d) so that truck tractors used for the transportation of household goods, personal furniture, other household effects, farm produce, farm products and forest products will not be subject to the annual license taxes and registration fees set forth in §40-12-248(d), supra.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Starkey and Coburn (with notice and proof):

H. 397. Relating to the City of Florence; repealing Act No. 2459, H. 2839 of the 1971 Regular Session (Acts 1971, Vol. V, p. 3925), entitled "An Act To prohibit the City of Florence, or any agency thereof, from collecting outside the corporate limits of said city any permit fees, inspection fees or other fees with respect to the enforcement of any building code provision; to provide that building code provisions may be enforced within the police jurisdiction of said city, but to limit the collection of all fees and charges therefor to the area within the corporate limits of the City of Florence."

By Reps. Greer, Coburn and Starkey (with notice and proof):

H. 476. Relating to the Town of Killen, Lauderdale County; providing for annexation to the Town of Killen.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills were placed on the Consent Calendar for today, to-wit:

By Messrs. Holmes, Proctor and Teague (With Amendment):

S. 204. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, pistol and such other equipment as the department may designate upon their retirement.

By Mr. Vacca:

S. 35. To make an additional appropriation to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund, for salaries and certain other expenses for the fiscal year ending September 30, 1981.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 52. PERMITTING THE JOINT INTERIM COMMITTEE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION TO REPORT ON THE TENTH LEGISLATIVE DAY RATHER THAN THE SIXTH.

JOHN W. PEMBERTON,  
Clerk.

#### MOTIONS IN WRITING

Mr. deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 147, on page 79 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 147, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. deGraffenried then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 148, on page 80 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 148, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Figures offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 270, on page 3 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 270, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 117, on page 35 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 117, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the promotion of Colonel Ivan F. Smith to the rank of Brigadier General in the Alabama Army National Guard.

Respectfully submitted,  
BOB A. DAVIS,  
State Administrations Officer.

Done this 5th day of March, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

Colonel Ivan F. Smith has been promoted to the rank of Brigadier General effective 7 February, 1981.

The above appointment is being submitted to you for confirmation or for such action as you deem right and proper.

Respectfully,  
FOB JAMES,  
Governor.

Done this 5th day of March, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the rank of Brigadier General in the Alabama National Guard, was read and referred to the Standing Committee on Rules.

#### MOTIONS IN WRITING

Mr. Barron offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 171, on page 5 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 171, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Britnell offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 31, on page 89 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 31, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### LOCAL BILLS ON THIRD READING

The Bill:

H. 443. Relating to the Eleventh Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally, or upon appeals to the circuit courts from lower courts.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith	
Bailey	Gulledge	Martin	Taylor	
Britnell	Hall	Miller	Teague	
Callahan	Hilliard	Parsons	Vacca	
Cook	Holmes	Pearson	Weeks	
Denton	Keener	Proctor	White.	
Glass	Kirkland			—25

*Nays:* —0

The Bill:

H. 492. Relating to Cleburne County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 492, to-wit:

Amend H. B. 492 on line 27 by striking Said costs shall be collected in the same manner as other court costs

and adding

The Sheriff shall bill the court from which the certain court papers arise and costs shall be paid to the county and deposited into the Sheriff's Department fund.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Britnell	Gulledge	Parsons	Teague	
Callahan	Hall	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Figures	Little			—25

*Nays:* —0

And said Bill, H. B. 492, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Britnell	Gulledge	Mitchem	Teague	
Callahan	Hall	Parsons	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Figures	Little			—25

*Nays:* —0

The Bill:

H. 493. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 493, to-wit:

COMMITTEE AMENDMENT TO H. B. 493

Amend H. B. 493 on line 22 by striking \$10.00 and adding \$5.00.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Mitchem	Vacca	
Cook	Hilliard	Parsons	Weeks	
Denton	Holmes	Proctor	White	
Figures	Keener			—25

*Nays:* —0

And said Bill, H. B. 493, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Mitchem	Vacca	
Cook	Hilliard	Parsons	Weeks	
Denton	Holmes	Proctor	White	
Figures	Keener			—25

*Nays:* —0



The Bill:

H. 494. Relating to Cleburne County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor of felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 494, to-wit:

COMMITTEE AMENDMENT TO H. B. 494

Amend H. B. 494 on line 22 by striking \$10.00 and adding \$5.00.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Mitchem	Vacca	
Cook	Hilliard	Parsons	Weeks	
Denton	Holmes	Proctor	White	
Figures	Keener			—25

Nays: —0

And said Bill, H. B. 494, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Mitchem	Vacca	
Cook	Hilliard	Parsons	Weeks	
Denton	Holmes	Proctor	White	
Figures	Keener			—25

Nays: —0

The Bill:

H. 495. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H.B., to-wit:

COMMITTEE AMENDMENT TO H. B. 495

Amend H. B. 495 on line 22 by striking \$12.50 and adding \$7.00.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith
Bailey	Gulledge	Miller	Taylor
Britnell	Hall	Mitchem	Teague
Cook	Hilliard	Parsons	Vacca
Denton	Holmes	Proctor	Weeks
Figures	Keener	St. John	White
Glass	Little		

—25

*Nays:* —0

And said Bill, H. B. 495, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith
Bailey	Hall	Miller	Taylor
Britnell	Hilliard	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Little		

—25

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Williams:

H. J. R. 120. HONORING THE ACCOMPLISHMENTS OF THE DALEVILLE HIGH SCHOOL'S FEMALE ATHLETES.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailey, the Rules were suspended and the Resolution, H. J. R. 120, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harvey:

H. J. R. 123. MOURNING' THE TRAGIC AND UNTIMELY DEATH OF MR. CLAUDE RAY MARSH, PROMINENT BLOUNT COUNTY BUSINESSMAN AND CIVIC LEADER.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Mitchem, the Rules were suspended and the Resolution, H. J. R. 123, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### CONSENT CALENDAR BILLS ON THIRD READING

The Bill:

S. 204. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, pistol and such other equipment as the department may designate upon their retirement.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following amendment to the Bill, S. B. 204, to-wit:

### COMMITTEE AMENDMENT TO S. B. 204

Amend Senate Bill No. 204, page 1, lines 21 and 29 by inserting the word "personal" after the word "other".

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Robertson	
Bailey	Gulledge	Lemaster	Taylor	
Barron	Hall	Little	Teague	
Britnell	Harrison	McDonald	Vacca	
Cook	Higginbotham	Miller	Weeks	
deGraffenried	Holmes	Mitchem	White	
Denton				—24

*Nays:* —0

And said Bill, S. B. 204, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs.:	Britnell	Denton	Gulledge
Bailey	Cook	Glass	Hall
Barron	deGraffenried	Goodwin	Harrison

REGULAR SESSION  
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365

Higginbotham	Little	Proctor	Teague
Holmes	Martin	Robertson	Vacca
Keener	McDonald	Smith	Weeks
Kirkland	Miller	Taylor	White
Lemaster	Mitchem		

—29

*Nays:* —0

The Bill:

S. 35. To make an additional appropriation to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund, for salaries and certain other expenses for the fiscal year ending September 30, 1981.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	Smith
Bailey	Goodwin	Lemaster	Taylor
Barron	Gulledge	Little	Teague
Britnell	Hall	McDonald	Vacca
Cook	Harrison	Miller	Weeks
deGraffenried	Higginbotham	Mitchem	White
Denton	Holmes	Proctor	

—26

*Nays:* —0

UNFINISHED BUSINESS

The Senate proceeded to further consideration of the Unfinished Business for today, which was the Bill:

S. 9. Relating to voter registration; to amend Code of Alabama 1975, Section 17-4-158, so as to require that all city clerks be appointed as deputy registrars.

The question was on the motion of Mr. Goodwin to postpone further consideration of the Bill, S. B. 9, to the Twenty-Sixth Legislative Day.

On motion of Mr. Goodwin, said motion to postpone was laid on the table.

Mr. Taylor offered the following amendment to the Bill, S. B. 9, to-wit:

AMENDMENT TO S. B. 9.

Amend Senate Bill No. 9 Page 1 Line 33 by inserting after the word "day." the following sentence.

"The provisions of this bill do not apply to Autauga, Butler, Crenshaw, Dallas, Lowndes, Montgomery, Wilcox, Escambia, Conecuh, Clarke and Monroe counties."

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Holmes	Mitchem
Barron	Hall	Keener	Robertson
Cook	Harrison	Kirkland	Smith
Denton	Higginbotham	Lemaster	Taylor
Goodwin	Hilliard	Little	Teague

—19

*Nays:*

—0

And said Bill, S. B. 9, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 9.

*Yeas:*

Messrs.:	Denton	Holmes	Parsons
Barron	Gulledge	Lemaster	Teague
Britnell	Hall	Little	White
Cook	Hilliard	Martin	

—14

*Nays:*

Messrs.:	Harrison	Kirkland	Mitchem
deGraffenried	Higginbotham	McDonald	Taylor
Goodwin	Keener		

—9

Mr. Hilliard requested and received unanimous consent to have his name added as co-sponsor of the above Bill.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 73. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the tenth legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 208	46	AL. Mental Health Finance Auth., Bd. powers.
S. B. 209	48	Mental Health, AL. Bev. Tax, remainder, retr. bonds
S. B. 210	50	Mental Health, AL. Bev. Tax, remainder, pd. direct
S. B. 211	51	Mental Health Bd., revenues dep., pay bonds
S. B. 212	53	Mental Health Bd., revenues der., Road & Bridge
S. B. 213	54	Mental Health Bd., diverted
S. B. 214	55	Mental Health Bd., diverted
S. B. 215	57	Mental Health Bd., disposition of revenue

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

SPECIAL ORDER  
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 208. To amend Section 22-50-1, Code of Alabama, 1975, by adding a definition of the Alabama Mental Health Finance Authority ("Authority") thereto; to authorize and empower the Alabama Mental Health Board ("Board") to enter into one or more loan agreements with the Authority under the terms of which the Board may borrow from the Authority proceeds of bonds issued by the Authority for the purpose of obtaining funds with which to pay for construction, reconstruction, alteration and improvement of buildings and other facilities for mental health purposes in the State, including the procurement of sites and equipment therefor; to authorize the Board to give promissory notes and other instruments and agreements to the Authority in connection with such loan agreements in order to evidence its obligation to pay to the Authority, in consideration of the loan or loans received by the Board, amounts sufficient to permit the Authority to pay the debt service on the bonds of the Authority secured by the particular loan agreement or agreements; to provide that other terms of loan agreements shall be determined by the board of directors of the Board; to provide that the obligations of the Board under such loan agreements and related instruments are exempt from all laws of the State governing usury or otherwise limiting interest rates; to provide that such obligations are solely obligations of the Board and are not obligations or debts of the State; to provide that no public hearing or consent of any body other than the board of directors of the Board is prerequisite to the entry by the Board into any loan agreement with, or the giving of any related instrument to, the Authority; to provide that to secure its obligations to the Authority under any loan agreements, the Board may pledge any and all of its revenues and receipts that are not prohibited by law from being so pledged, such revenues, however, to be so committed only when actually received by the Board, except that the Board may pledge anticipated revenues from specified taxes; to make an appropriation of portions of such taxes first for such purpose and secondly for other lawful purposes of the Board; and to direct the State Treasurer, from and after the entry by the Board into any loan agreement, to deposit the pledged revenues from the said taxes directly into any revenue fund, debt service fund or reserve fund established under any such loan agreement or any indenture relating to the bonds of the Authority.

And said Bill, S. B. 208, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 4.

Yeas:

Messrs.:	Gulledge	Kirkland	Parsons
Bailey	Hall	Lemaster	Proctor
Britnell	Harrison	Martin	Robertson
Callahan	Higginbotham	McDonald	Smith
deGraffenried	Holmes	Miller	Teague
Denton	Keener	Mitchem	Weeks

—23

Nays: Messrs.: Barron, Little, Taylor and White.

—4

## The Bill:

S. 209. To amend section 28-3-202 of the Code of Alabama, 1975, relating to the levy, collection and disposition of a tax on the selling price of all spirituous or vinous liquors sold by the Alabama alcoholic beverage control board, by deleting the provision therein directing that a remainder portion of the proceeds derived from said tax be paid to the credit of the special mental health fund to be used for mental health purposes, including certain specified purposes, and substituting therefor a provision requiring that such remainder portion of the proceeds be used to pay the principal and interest, upon respective maturities, on the bonds issued pursuant to Act No. 377 of the 1959 Regular Session and the residue thereafter remaining be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such portion as would otherwise be paid directly to the board into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 3.

Yeas:

Messrs.:	Denton	Kirkland	Parsons
Bailey	Gulledge	Lemaster	Robertson
Britnell	Hall	Martin	Smith
Callahan	Higginbotham	McDonald	Teague
Cook	Holmes	Miller	Weeks
deGraffenried	Keener	Mitchem	—22

Nays: Messrs.: Little, Taylor and White. —3

## The Bill:

S. 210. To amend section 28-3-204 of the Code of Alabama, 1975, relating to the levy, collection and disposition of a tax on the selling price of all spirituous or vinous liquors sold by the Alabama alcoholic beverage control board, by deleting the provision therein directing that a portion of the proceeds derived from said tax be paid to the credit of the special mental health fund to be used for mental health purposes, including certain specified purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance

authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 210, to-wit:

COMMITTEE AMENDMENT TO S. B. 210

Amend Section 1, subsections 4, 5 and 6 on page 3 and page 4 to read as follows:

(4) table wine. Any vinous liquor containing not more than 14 percent alcohol by volume.

WINE. All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four (24) percent alcohol by volume, and shall include all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors, and like products.

FORTIFIED WINE or VINOUS LIQUOR. Any wine containing more than fourteen (14) percent alcohol by volume but not more than twenty-four (24) percent. Fortified wine is vinous liquor.

TABLE WINE. Any wine containing not more than fourteen (14) percent alcohol by volume. Table wine is not liquor, spirituous or vinous.

(5) WINE RETAILER. Includes a person, association or corporation licensed by the board under the provisions of acts heretofore enacted to engage in the retail sale of table wine to be consumed off the premises and who do not possess a state liquor license.

(6) WINE WHOLESALE. Includes any person, association or corporation licensed by the board under the provisions of acts heretofore enacted to engage in the sale and distribution of table wine within those certain counties authorized by their licenses at wholesale only, to be sold for export or to licensees within this state authorized by their licenses to sell table wine.

Which was adopted.

Yeas 21; Nays 2.

Yeas:

Messrs.:	Denton	Lemaster	Proctor
Bailey	Hall	Martin	Robertson
Britnell	Higginbotham	Mitchem	Smith
Callahan	Holmes	Parsons	Teague
Cook	Keener	Pearson	White
deGraffenried	Kirkland		

—21

Nays: Messrs.: Little and Taylor.

—2

And said Bill, S. B. 210, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 3.

Yeas:

Messrs.:	Callahan	Denton	Holmes
Bailey	Cook	Goodwin	Keener
Britnell	deGraffenried	Hall	Kirkland



Lemaster	Parsons	St. John	Vacca	
Martin	Pearson	Smith	Weeks	
Mitchem	Proctor	Teague		—22

Nays: Messrs.: Little, Taylor and White. —3

## The Bill:

S. 211. To amend section 40-1-31 of the Code of Alabama, 1975, relating, in part, to the distribution of revenues derived from taxes levied under sections 40-21-56, 40-21-57, 40-21-58, 40-21-60, and 40-21-61, by deleting the provision in subsection (1) of 40-1-31 directing that a portion of the revenues, after deduction of the cost of collection, be deposited in the special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into a one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of such loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

was taken up.

Mr. Little offered the following substitute for the Bill, S. B. 211, to-wit:

## SUBSTITUTE FOR S. B. 211

A BILL  
TO BE ENTITLED  
AN ACT

To repeal sections 40-21-53, 40-21-54 and 40-21-55 of the Code of Alabama 1975 which provide for a tax on an electric or hydroelectric public utility.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-21-53, 40-21-54 and 40-21-55 of the Code of Alabama 1975 are hereby expressly repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## MOTIONS IN WRITING

Mr. Hilliard offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 311, on page 91 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 311, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Teague offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 195, on page 11 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 195, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Vacca offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 151, on page 81 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 151, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Vacca then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 144, on page 79 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 144, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### RESOLUTION

Mr. Callahan offered the following Senate Resolution, to-wit:

S. R. 74. HONORING MR. STAN WASIAK, VETERAN MINOR LEAGUE BASEBALL MANAGER AND HOLDER OF TWO NATIONAL RECORDS.

Which was adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Sasser and Williams (with notice and proof):

H. 438. To authorize the Dale County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 438 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 567. Relating to Marion County; to provide for additional per diem payments to each member of the Board of Equalization.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 567 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Harvey (with notice and proof):

H. 574. Relating to Blount County; providing an expense allowance for certain county officers and providing an effective date.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 574 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 438, 567 and 574. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 92. Relating to the continued existence and functioning of the State Board of Bar Examiners provided for in Sections 34-3-1 through 34-3-108 of the Code of Alabama 1975, as amended, specifically in Sections 34-3-2 and 34-3-40.

Also:

By Rep. Pegues:

H. 93. Relating to the continued existence and functioning of the Board of Dental Scholarship Awards provided for in Sections 16-47-76 through 16-47-81 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

By Rep. Manley:

H. 94. Relating to the continued existence and functioning of the Board of Medical Scholarship Awards provided for in Sections 16-47-121 through 16-47-129 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

By Rep. Hammett:

H. 95. Relating to the continued existence and functioning of the State Pilotage Commission provided for in Sections 33-4-1 through 33-4-57 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

By Rep. Cosby:

H. 96. Relating to the continued existence and functioning of the State Real Estate Commission provided for in Sections 34-27-1 through 34-27-38 of the Code of Alabama 1975.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 92, 93, 94, 95, and 96. To the Committee on Governmental Affairs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Dial:

H. 103. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Speech Pathology and Audiology as provided in Sections 34-28A-1 through 34-28A-44 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-28A-21, 34-28A-23, 34-28A-24 and 34-28A-40 of the Code of Alabama 1975, so as to: Require applicants to pass an examination approved or promulgated by the board; remove requirement of board to maintain permanent records of all examination scores; provide that four (4) board members constitutes a quorum; and delete a waiver of examination provision (grandfather clause) which has served its purpose.

Also:

By Rep. Pegues:

H. 105. To terminate the existence and functioning of the State Board of Registration for Sanitarians, and to transfer its training funds or monies, duties and functions to the State Health Department.

Also:

By Rep. Whatley:

H. 98. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Services as provided in Sections 34-13-1 through 34-13-134 and Sections 34-13-150 through 34-13-152 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-13-4, 34-13-10, 34-13-23, 34-13-28, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131; and to repeal Section 34-13-30 of the Code of Alabama 1975 so as to: Eliminate the requirement of the board to distribute statutes and regulations

each four years and instead distribute only upon request; declare certain violations as misdemeanors and allow appropriate prosecution; provide further clarification concerning travel expenses of the board; require annual reporting to the Governor and to the Legislature instead of to the Secretary of State; authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; distribute directory of licensees only on request instead of annually; lower minimum age and educational requirements for funeral director and embalmer apprentices; require apprentice time to be supervised; and to repeal a provision of law which transferred funds to the board from its predecessor board, the purpose of which has been served.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 103, 105, and 98. To the Committee on Governmental Affairs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cosby:

H. 106. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Social Work Examiners as provided in Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, with certain modifications; to amend Section 34-30-26 of the Code of Alabama 1975, so as to specifically provide that failure to actively practice social work shall not be a basis for denying a license renewal provided all fees are paid.

Also:

By Rep. Hammett:

H. 107. To repeal Sections 10-4-360 through 10-4-364 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Yacht Club Association and to provide for an effective date.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 106 and 107. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 99. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners of Mine Personnel as provided in Sections 25-9-9 through 25-9-18, Code of Alabama 1975, as amended, with certain modifications; to amend Sections 25-9-9 and 25-9-10 of the Code of Alabama 1975, so as to: Authorize the board to increase examination fees not to exceed \$20.00; and to authorize per diem for board members up to the maximum allowed for state employees.

Also:

By Rep. Pegues:

H. 100. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Polygraph Examiners as provided in Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24, and 34-25-29, Code of Alabama 1975; and to repeal Section 34-25-31 of the Code of Alabama 1975, so as to: Eliminate the requirement that appointees to the board be approved by the senate; remove the board's authority to set travel and expense allowances; authorize the board to set salaries of its employees and hire temporary investigatory employees; provide further for the collection and use of fees of the board; provide for \$50.00 per day plus mileage allowance for board members when meeting; provide same mileage and per diem travel expenses for board members as are paid to state employees; authorize board to determine which expenses of the board are necessary, subject to state bid law; provide board's purchases may be made through state finance department purchasing agency; exempt board from payment of state sales tax; lower age requirement for examiners from 25 to 21; alter the baccalaureate requirement of examiners; to place board on same fiscal year as the state; and to repeal Section 34-25-3, Code of Alabama 1975, which prescribes the type of instrument examiners must use.

Also:

By Rep. Dial:

H. 101. Relating to the continued existence and functioning of the Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons provided for in Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, and as otherwise provided by law.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 99, 100, and 101. To the Committee on Governmental Affairs.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Whatley:

H. 108. To terminate the state agency for social security, and its advisory board, created by Section 36-28-3, Code of Alabama 1975, and to transfer the functions, duties and responsibilities, including any federal contractual obligations, to the state retirement systems; to provide that all monies collected by the board, and thereafter by the retirement systems, shall be transferred to the state treasury and that any accrued interest thereon shall be credited to the state general fund, and to provide that the provisions hereof shall become effective September 30, 1981.

Also:

by Rep. Hammett:

H. 102. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-20, 34-29-23 of the Code of Alabama 1975, so as to: limit board members to two terms; and to provide further for the compensation of board members.

Also:

By Rep. Whatley:

H. 104. Relating to the continued existence and functioning of the Board of Cosmetology provided for in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, and as otherwise provided by law.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 108, 102, and 104. To the Committee on Governmental Affairs.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Dial:

H. 97. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Sections

34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$100.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure and require all members of the board to be licensed auctioneers.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H.B. 97. To the Committee on Governmental Affairs.

### MOTIONS IN WRITING

Mr. St. John offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 65, on page 83 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 65, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. St. John then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 194, on page 4 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 194, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. St. John then offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 108, on page 6 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 108, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### FURTHER CONSIDERATION OF S. B. 211

The Senate proceeded to further consideration of the Bill, S.B. 211. The question was on the substitute offered by Mr. Little.

On motion of Mr. deGraffenried, said substitute was laid on the table.



Yeas 18; Nays 6.

*Yeas:*

Messrs.:	Denton	Kirkland	Teague	
Bailey	Goodwin	Martin	Vacca	
Britnell	Gulledge	McDonald	Weeks	
Callahan	Higginbotham	Proctor	White	
deGraffenried	Keener	Smith		—18

*Nays:*

Messrs.:	Holmes	Miller	Taylor	
Harrison	Little	Robertson		—6

And said Bill, S. B. 211, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 3.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Proctor	
Bailey	Gulledge	Lemaster	Robertson	
Britnell	Higginbotham	Martin	Smith	
Callahan	Hilliard	McDonald	Teague	
deGraffenried	Holmes	Miller	Vacca	
Denton	Keener	Mitchem	Weeks	—23

*Nays:*

Messrs.: Little, Taylor and White. —3

## MOTION IN WRITING

Mr. Smith offered the following Motion in Writing, to-wit:

I move that the following bills on the Senate Calendar be indefinitely postponed.

S. 73, S. 74, S. 75, S. 77, S. 78, S. 79, S. 80, S. 82, S. 83, S. 84, S. 85, S. 86, S. 87, S. 88, S.89 and S. 239.

Which was adopted.

## RESOLUTION

Messrs. Bailey and Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 75 COMMENDING MISS TERRI DeVANE FOR BEING CHOSEN 1981 ALABAMA TEXTILE QUEEN.

WHEREAS, Miss Terri DeVane of Dothan, Alabama, the daughter of Mr. and Mrs. D. J. McDaniel, was recently crowned as the 1981 Alabama Textile Queen during the annual pageant held in Montgomery; and

WHEREAS, the beautiful, poised, personable and articulate Miss DeVane travels throughout the Southeast representing the largest industrial employer in Alabama; and

WHEREAS, the talented Miss DeVane, a senior at Auburn University, majoring in mass communications—public relations, has won numerous honors and titles; and while attending Dothan High School, her honors included being a featured twirler for three years, band, choir, Student Action for Education; and

WHEREAS, at Auburn University, Terri will soon begin her fourth year as a majorette and a member of the band. She is a member of the Phi Mu Sorority, Lambda Chi Alpha Little Sister; and is a baton instructor for National Band Front Clinics; therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend Miss Terri DeVane for being selected the 1981 Alabama Textile Queen and wish this beautiful and talented young lady from Dothan, the best in all her future endeavors.

On motion of Mr. Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 212. To amend section 40-23-50 of the Code of Alabama, 1975, relating to the levy and disposition of a privilege or license tax on the gross receipts of the business of certain highways and bridge contractors, by deleting the provision therein directing that a portion of the proceeds of said tax be paid to the credit of the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority; and to correct a typographical error in subsection (d).

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 2.

Yeas:

Messrs.:	Goodwin	Kirkland	Proctor
Bailey	Gulledge	Lemaster	Robertson
Britnell	Higginbotham	Martin	Smith
Callahan	Hilliard	Miller	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks

—23

Nays: Messrs.: Little and Taylor.

—2

## The Bill:

S. 213. To amend section 40-21-55 of the Code of Alabama, 1975, relating to the disposition of the receipts of a tax on the gross receipts of electric or hydroelectric public utilities levied under section 40-21-53, by deleting the provision therein directing that a portion of said tax be deposited in the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 2.

## Yeas:

Messrs.:	Gulledge	Lemaster	Proctor
Bailey	Higginbotham	Martin	Robertson
Britnell	Hilliard	McDonald	Smith
Cook	Holmes	Miller	Teague
deGraffenried	Keener	Mitchem	Vacca
Denton	Kirkland	Parsons	Weeks

—23

Nays: Messrs.: Little and Taylor.

—2

## The Bill:

S. 214. To amend section 40-21-51 of the Code of Alabama, 1975, relating to the disposition of the receipts of an excise tax on the gross receipts of certain public utilities levied by section 40-21-50, by deleting the provision therein directing that a portion of said tax be deposited in the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 2.

Yeas:

Messrs.:	Goodwin	Kirkland	Proctor
Bailey	Gulledge	Lemaster	Robertson
Britnell	Harrison	Martin	Smith
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener		

—25

Nays: Messrs.: Little and Taylor. —2

The Bill:

S. 215. To amend portions of section 40-25-23 of the Code of Alabama, 1975, relating to the disposition of revenues of the privilege tax levied by section 40-25-2 on those who sell, store or receive tobacco products for distribution and the excise tax levied by section 40-25-41 on the storage, use or other consumption of tobacco products purchased at retail, by deleting any reference in said section 40-25-23 to the "general and mental health fund" and providing that the portions of the revenues of said taxes heretofore passing through the "general and mental health fund" before payment thereof to the Alabama mental health board and state health officer in the respective proportions and for the purposes provided, are appropriated to and shall be paid to the said board, or in some instances into designated funds, and said officer without passing through the aforesaid "general and mental health fund"; to delete any requirement that the mental health board devote any percentage of the revenues accruing to it under this section to provision of mental health services for the mentally retarded and to provide, instead, that such revenues shall be paid directly to the board, provided, however, that upon the by the board in one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any such loan agreement or agreements, the state treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority; and to delete reference to a contingent distribution of a portion of revenues for the payment of principal and interest on bonds of the Alabama mental health building authority.

was taken up.

Mr. deGraffenried offered the following amendment to the Bill, S. B. 215, to-wit:

## AMENDMENT TO S. B. 215

Amend Senate Bill No. 215 Page 3 Line 10, by striking out the word "the" after the word "upon" on line 9 and inserting in lieu thereof the word "entry"

Which was adopted.

Yeas 25; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Robertson	
Bailey	Gulledge	Martin	Smith	
Britnell	Harrison	McDonald	Taylor	
Callahan	Higginbotham	Miller	Teague	
Cook	Hilliard	Mitchem	Vacca	
deGraffenried	Holmes	Proctor	Weeks	
Denton	Keener			—25

*Nay:* Mr. Little.

—1

And said Bill, S. B. 215, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 6.

*Yeas:*

Messrs.:	Denton	Keener	Proctor	
Bailey	Goodwin	Lemaster	Robertson	
Britnell	Gulledge	Martin	St. John	
Callahan	Harrison	McDonald	Smith	
Cook	Higginbotham	Miller	Teague	
deGraffenried	Holmes	Mitchem	Weeks	
				—23

*Nays:*

Messrs.:	Little	Taylor	White	
Hilliard	Parsons	Vacca		—6

## REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 31.

S. B. 32.

S. B. 27.

S. B. 1.

Delivered to the Governor February 26, 1981, at 2:30 P. M.

S. J. R. 56.

S. J. R. 57.

S. J. R. 58.

S. J. R. 59.

S. J. R. 60.

S. J. R. 61.

S. J. R. 62.

Delivered to the Governor March 4, 1981, at 2:45 P. M.

S. J. R. 46.

S. J. R. 48.

S. J. R. 49.

S. J. R. 64.

S. J. R. 65.

S. J. R. 66.

S. J. R. 68.

S. J. R. 69.

Delivered to the Governor March 5, 1981, at 2:30 P. M.

McDOWELL LEE,  
Secretary.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### ADJOURNMENT

At 4:20 P. M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, March 17, 1981, at 1 o'clock P. M.

## ELEVENTH LEGISLATIVE DAY

TUESDAY, MARCH 17, 1981

The Session met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Bill Butler, Pastor, Wilkes Baptist Church, Midfield, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Tenth Legislative Day was approved by the Senate.

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Holmes:

S. 458. To amend Section 36-26-26 of the Code of Alabama 1975 relating to the state merit system and providing the procedure for the lay off of state employees so as to clarify the consideration of seniority and the use of the reemployment list.

Committee on Governmental Affairs.

By Messrs. White, Proctor and Holmes:

S. 459. To amend the "Hazardous Wastes Management Act of 1978" so as to enlarge and prescribe the remedies and civil and criminal penalties for contamination of groundwater or other violations of the Act or the rules and regulations promulgated thereunder and to require that operators of hazardous waste storage or treatment facilities and hazardous waste disposal sites must post bonds or provide other acceptable financial assurances payable to the State of Alabama conditioned upon compliance with the Act and the rules and regulations promulgated thereunder.

Committee on Health and Welfare.

By Mr. Teague:

S. 460. To amend Act No. 80-529, Acts of Alabama 1980, Section 2(f), now appearing as Chapter 3A, Title 28, Code of Alabama 1975 and also to provide further license fees for clubs.

Committee on Finance and Taxation.

By Mr. Teague (with notice and proof):

S. 461. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 461, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Martin:

S. 462. To create the Alabama State Film Commission Investment Screening Board; to further promote and foster the production of films in Alabama by recognized motion picture and television producers; to prescribe that any such producer must make application and comply with the policies, rules and regulations of such board prior to borrowing any funds from any person or business domiciled in this state; to prescribe fees therefor; to establish the management surplus account and to appropriate all such funds to the said board on a continuing basis; to provide such funds shall not revert; to prescribe the composition, duties and authority of the board and to provide the reimbursement of actual and necessary expenses from the appropriation of the Alabama State Film Commission; to provide for the appointing authority, the meetings, the terms of offices, and the filling of vacancies of the board membership; to provide that the director of the securities commission shall be an ex officio member of the board; to exempt any applicant from the provisions of Title 8, Chapter 6 of the Code of Alabama 1975, relating to the Securities Act of Alabama, except upon recommendations by the board for



good cause; to provide that the executive director of the Alabama State Film Commission shall accept applications for processing by the board; to provide for the maintenance of minutes and records, and reporting to the governor and legislature; to prescribe that the board shall determine the terms of repayment; to provide for public hearings and notice and warnings to the public; to provide appeal process for any aggrieved person; to prescribe no board member shall have any financial interest in any transactions before the board; to prescribe that all agencies of the state shall cooperate with the board in implementing the provisions of this act and to specifically provide for legal assistance; to prescribe that all monies accruing to or collected by the board shall be payable into the general fund of the state treasury; and to provide that the provisions of this act shall not be construed to waive or exempt any person from the payment of any other fees or taxes.

Committee on Governmental Affairs.

By Mr. Proctor (with notice and proof):

S. 463. Relating to Shelby County: To authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Shelby County, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 463, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Proctor (with notice and proof):

S. 464. Relating to Chilton County: To authorize the Board of Health of said county to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Chilton County, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 464, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Barron:

S. 465. To exempt persons fishing in certain private ponds or certain public ponds from certain fishing laws and regulations.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Pearson:

S. 466. To make a conditional appropriation from the Special Educational Trust Fund for the fiscal year ending September 30, 1982, to the Diabetic Institute at the University of Alabama in Birmingham.

Committee on Finance and Taxation.

By Mr. Teague:

S. 467. To provide for the Public Service Commission exclusive jurisdiction over the enforcement of minimum safety standards, orders, rules and regulations adopted by the United States Department of Transportation, Federal Railroad Administration, pursuant to the provisions of the Federal Railroad Safety Act of 1970 and to provide necessary funding for this and other functions of the Public Service Commission in the regulation of Transportation Companies.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Keener:

S. 468. To provide that on any sale or consignment of gasoline in quantities of 5,000 gallons or more, purchaser shall be charged on a net gallon basis pursuant to the temperature adjustment formula.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Callahan:

S. 469. To provide that matters originating in the probate court shall not be removed or appealed to a district court.

Committee on Judiciary.

By Mr. Callahan:

S. 470. To repeal sections 15-19-1 through 15-19-7 of the Code of Alabama 1975, relating to youthful offenders.

Committee on Judiciary.

By Mr. Callahan:

S. 471. Relating to juvenile proceedings; providing for disclosure to the public of certain information concerning adjudication of crimes committed by minors or children.

Committee on Judiciary.

By Mr. Callahan:

S. 472. To provide additional penalties for persons using a firearm while committing or attempting to commit certain crimes.

Committee on Judiciary.

By Mr. Callahan:

S. 473. To provide for the payment of a reasonable attorney's fee by the plaintiff to the defendant when the defendant prevails in a lawsuit.

Committee on Judiciary.

By Mr. Callahan:

S. 474. To amend Section 12-19-113 Code of Alabama 1975 so as to provide that a juror summoned to pass upon the soundness of mind of a person shall be entitled to receive \$8.00 per day of attendance.

Committee on Finance and Taxation.

By Mr. Hall:

S. 475. Amending Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to allow teachers and other employees in city and county schools to take vacations during the school year.

Committee on Education.

By Messrs. Smith, Denton, Holmes, Goodwin and Bailey:

S. 476. Relating to corporations and associations; to amend Title 10, Article 6, Code of Alabama of 1975, which provides for the organization and operation of health care service plans; to amend the heading to § 10-4-109 of Code of Alabama of 1975 to read "Regulation of rates, charges, fees, dues and reimbursements"; to identify the existing § 10-4-109 of Code of Alabama of 1975 as paragraph (a); and to add a new paragraph (b) to § 10-4-109 of Code of Alabama of 1975 to provide for reimbursement to health care facilities based on charges rather than costs.

Committee on Banking and Insurance.

By Mr. deGraffenried:

S. 477. To amend Section 41-1-6 of the Code of Alabama 1975, so as to increase the dollar value from \$100.00 to \$500.00 for nonconsumable personal property which has to be reported by the property manager of each department or agency of the state, and decreasing the frequency of the report from every six months to once every two years.

Committee on Governmental Affairs.

## RESOLUTION

Messrs. Teague, Holmes, and Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 76. COMMENDING VERN SCOTT ON HIS MANY PUBLIC ENDEAVORS AND DECLARING MARCH 20, 1981 AS "VERN SCOTT DAY" IN THE STATE OF ALABAMA.

WHEREAS, Verner Max Scott, known as "Vern" to his many friends and acquaintances was born in Coldwater, Alabama, in Calhoun County, but has been a resident of Talladega since November 1927; and

WHEREAS, he has engaged in many civic activities in his home county, not the least of which is as a member of the Talladega Beautification Council, the Talladega Historical Association and the Alabama Historical Association; and

WHEREAS, he has been editor of the Talladega Historical Association newsletter for nine years, during which time he performed all the duties in publishing this twenty page monthly letter; and

WHEREAS, he has never missed an edition of this most interesting and informative publication; and

WHEREAS, this Legislature wishes to commend and compliment this noted local historian and outstanding citizen by declaring March 20, 1981, as "Vern Scott Day"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do declare March 20, 1981, as "Vern Scott Day" in the State of Alabama as a token of our sincere admiration for this valued and honored citizen.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Vern Scott.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 6. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Baldwin County.

Also:

S. 110. Relating to Etowah County; setting the compensation of supernumerary district attorneys and providing for a supplement from the general funds of such county under certain circumstances.

Also:

S. 165. Relating to Etowah County; providing further for mileage allowance for returning officers; providing for the payments of such mileage to be made from funds in the county treasury not otherwise appropriated, or in the case of municipal elections, such payments shall be made from municipal funds by the municipal governing body.

Also:

S. J. R. 52. PERMITTING THE JOINT INTERIM COMMITTEE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION TO REPORT ON THE TENTH LEGISLATIVE DAY RATHER THAN THE SIXTH.

ALBERT McDONALD,  
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTION

Messrs. Miller, White, Goodwin, and Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 77. CREATING A JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE THE POTENTIAL EFFECT ON THE COST OF HOSPITALIZATION AND THE PROVISION OF HEALTH CARE IN ALABAMA IF HUMANA INC., PURCHASES CONTROLLING INTEREST IN BROOKWOOD HEALTH SERVICES, INC. IN LIGHT OF ALLEGATIONS REGARDING THE CHARGING OF EXCESSIVE RATES FOR HOSPITALIZATION AND THE INADEQUATE HEALTH CARE BEING PROVIDED AT COFFEE COUNTY COMMUNITY HOSPITAL.

WHEREAS, Brookwood Health Services, Inc., ("Brookwood") is the largest investor owned provider of health services in Alabama owning or operating hospitals either directly or pursuant to management contracts which facilities contain approximately 841 beds; and

WHEREAS, Humana, Inc., ("Humana") owns and operates a number of hospitals in the State including Coffee County General Hospital; and

WHEREAS, many citizens of the State have complained about the high cost of hospitalization and the inadequate health care services provided in Humana owned hospitals; and

WHEREAS, the Legislators representing Coffee County have received many specific complaints about the high cost and the inadequate health care services being provided at Coffee County General Hospital;

WHEREAS, Humana has offered to purchase all of the issued and outstanding capital stock of Brookwood tendered to Humana on or before April 8, 1981; and

WHEREAS, if Humana purchases a controlling interest in Brookwood, the cost of hospitalization in formally Brookwood owned facilities could be tremendously increased and the quality of health care services in Alabama could be decreased; NOW, THEREFORE,

BE IT RESOLVED, BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING that there is hereby created a select committee to be comprised of four members of the House and four members of the Senate provided that one such member from the House and one such member from the Senate shall represent the constituents of Coffee County, to be appointed by the presiding officers of each house.

The Chairman and Vice Chairman of the committee shall be elected at the first meeting thereof by the members of the committee. The committee shall investigate the specific allegations of excessive charges at Humana owned hospitals and the potential effect on the cost of hospitalization and the provision of health care in Alabama which might occur in the event Humana purchases a controlling interest in Brookwood and is allowed to continue increasing its purchasing and operating of hospitals in Alabama. The Attorney General shall provide the committee with legal advice if requested. The committee shall report to the Legislature on the last day of the 1981 Regular Legislative Session, after which the committee will expire. The committee shall have subpoena powers and the power to punish for contempt.

Which was read and referred to the Standing Committee on Rules.

#### LOCAL BILLS ON THIRD READING

The Bill:

S. 281. Relating to Mobile County; to exempt Mobile County from the provisions of any Act of the 1981 Regular Session of the Alabama Legislature increasing the salaries of state troopers or any other employee of the Alabama Department of Public Safety.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hilliard	Miller	Smith
Bailey	Holmes	Mitchem	Taylor
Barron	Keener	Parsons	Teague
Callahan	Kirkland	Pearson	Vacca
Figures	Little	Proctor	Weeks
Glass	Martin	St. John	White
Gulledge	McDonald		

—25

*Nays:* —0

The Bill:

H. 229. To regulate and control the operation and licensing of massage parlors within Mobile County; and providing penalties for violation.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hilliard	Miller	Smith
Bailey	Holmes	Mitchem	Taylor
Barron	Keener	Parsons	Teague
Callahan	Kirkland	Pearson	Vacca
Figures	Little	Proctor	Weeks
Glass	Martin	St. John	White
Gulledge	McDonald		

—25

*Nays:* —0

The Bill:

H. 397. Relating to the City of Florence; repealing Act No. 2459, H. 2839 of the 1971 Regular Session (Acts 1971, Vol. V, p. 3925), entitled "An Act To prohibit the City of Florence, or any agency thereof, from collecting outside the corporate limits of said city any permit fees, inspection fees or other fees with respect to the enforcement of any building code provision; to provide that building code provisions may be enforced within the police jurisdiction of said city, but to limit the collection of all fees and charges therefor to the area within the corporate limits of the City of Florence."<sup>5</sup>

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith
Bailey	Hall	Miller	Taylor
Barron	Hilliard	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Glass	Little		

—25

*Nays:* —0

The Bill:

H. 476. Relating to the Town of Killen, Lauderdale County; providing for annexation to the Town of Killen.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith
Bailey	Gulledge	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Glass	Little		

—25

*Nays:*

—0

## RESOLUTIONS

Mr. Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 78. COMMENDING MRS. ELIZABETH JOHNSON FOR OUTSTANDING SERVICE WITH THE AMERICAN RED CROSS AND AS PIKE COUNTY'S WOMAN OF THE YEAR.

WHEREAS, the Alabama Legislature joins with the citizens and City of Troy in honoring Mrs. Elizabeth Johnson for her more than 18 years of tireless service with the American Red Cross; and

WHEREAS, a native of Headland and former resident of Columbiana, Mrs. Johnson has lived in Troy, Alabama, since 1937; following a career as a beautician, Mrs. Johnson was a homemaker for many years and until 1962, at which time she was employed by the Pike County Chapter of the American Red Cross; and

WHEREAS, Mrs. Johnson was recently honored by the Pike County Chamber of Commerce as Woman of the Year, not only for her years of service and longtime involvement with the blood drive program in Troy and Pike County, but also for her active participation in numerous other civic and community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mrs. Elizabeth Johnson as Pike County Woman of the Year.

BE IT FURTHER RESOLVED, That Mrs. Johnson receive a copy of this resolution that she and her family may be aware of our warm praise, appreciation and high regard.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Weeks then offered the following Senate Joint Resolution, to-wit:

S. J. R. 79. CONGRATULATING AND COMMENDING CHARLES HENDERSON HIGH SCHOOL, STATE 3A 1980 FOOTBALL CHAMPIONS.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes the remarkable season and capture of the 1980 State 3A Football Championship by Charles Henderson High School of Troy, Alabama; and

WHEREAS, missing last season's area championship by just one TD, the Trojans, in orange and blue, were victorious this year by one touchdown over Hartselle to capture the State Crown and the first championship ever, in any sport, at Charles Henderson High; and

WHEREAS, ten-year veteran Coach Jay Jefcoat, ending his third season as the Trojan's head coach, also directed his team to a 13-0 season, the best in their school's history; Jefcoat was ably assisted by Coaches Mike Hogan, Rick Moody, Eddie McCarter, David Hogan and Stanley King; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate the Charles Henderson High School Trojans on their 3A State Championship, commending each and every player on his outstanding gridiron accomplishment in 1980.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with copies also sent to Coach Jay Jefcoat on behalf of his assistants and his entire championship team.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Weeks then offered the following Senate Joint Resolution, to-wit:

S. J. R. 80. COMMENDING COACH JAY JEFCOAT OF CHARLES HENDERSON HIGH SCHOOL, TROY, ALABAMA.

WHEREAS, the Legislature of Alabama has noted in commendation the selection of Jay Jefcoat of Charles Henderson High School, Troy, Alabama, as Coach of the Year, 1980; and

WHEREAS, it is to be noted that in earning the overall Coach of the Year honor, Coach Jefcoat received twice as many votes as his runners-up in the balloting to select the Montgomery Advertiser-Journal's Super All-State high school football team and coach; and

WHEREAS, in Coach Jefcoat's three seasons at Charles Henderson, his Trojans have gone from a disappointing 3-7 record to a big 8-2 in 1979 and, in 1980, the best season in the school's history—13 wins and the State 3A Championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Coach Jay Jefcoat on his prestigious selection as the Montgomery Advertiser-Journal's Coach of the Year.

BE IT FURTHER RESOLVED, That Coach Jefcoat receive a copy of this resolution that he may know of our warm praise and high regard.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Weeks then offered the following Senate Joint Resolution, to-wit:

S. J. R. 81. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL BAND.



WHEREAS, it is to be noted with utmost commendation that the Charles Henderson High School Band, under the direction of Mr. Paschal Ward, has for a number of years consistently maintained the number one Superior rating for all marching competitions in which they have participated; and

WHEREAS, in various forms of competition, championship presentations of "The Blue Machine" have established the band as one of the finest marching bands in the entire United States; and

WHEREAS, now one hundred and fifteen members strong, the Charles Henderson High School Band was founded as an orchestra in 1919, one of the earliest such type programs in Alabama, and through the years has won hundreds of awards for marching and concert excellence; and

WHEREAS, Mr. Paschal Ward, with impeccable professional qualifications, has continued the evinced dedication of the band's previous directors, as have the current talented musicians emulated their predecessors; and

WHEREAS, because of its performance record and national reputation "The Blue Machine" has been invited to participate in July in the International Festival of Marching Bands in England and in a festival of bands in Bern, Switzerland, the only band in the entire United States to be so prestigiously honored; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend the Charles Henderson High School Band, both for outstanding achievement and as the only high school band in America selected for international participation in band festivals to be held in England and Switzerland.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate display at Charles Henderson High School in Troy, Alabama, with a copy also sent to Band Director Paschal Ward on behalf of his assistant, Michael Thomas, and the entire "Blue Machine" of Charles Henderson High School.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 82. CONGRATULATING THE PATRICIAN ACADEMY STATE FOOTBALL CHAMPIONS, ALABAMA PRIVATE SCHOOL ASSOCIATION.

WHEREAS, Patrician Academy, in the State Finals of the Alabama Private School Association, trounced Talladega, 38-18, to claim the State Football Championship in its class for 1980; and

WHEREAS, ending the season with an overall phenomenal 12-1 record, the Saints' outstanding performance on the gridiron was a reflection of Head Coach Joe Nettles' exceptional talent and ability for athletic direction and leadership; and

WHEREAS, final season statistics give credence to the Saints' dedicated efforts on the field, showing first downs and yards rushing as some two-to-one over their opponents; also, in total points, Patrician Academy had 365 for the season while ceding a mere 132 to their formidable opponents, and averaged 28.07 points per game to their opposition's 10.15; and

WHEREAS, Patrician Academy, coach and all players alike, are indeed deserving of praise for their commendable spirit, dedication and team effort which culminated in the coveted state title for their school; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and highly commend Patrician Academy of Butler, Alabama, State Football Champions for 1980.

BE IT FURTHER RESOLVED, That copies of this resolution be provided both for Coach Nettles and his team, and for appropriate school display by Headmaster Larry McKenzie.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 132. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn on Tuesday, March 17, we adjourn to meet again on Thursday, March 19; when we adjourn on Thursday, March 19, we adjourn to meet again on Tuesday, March 24; when we adjourn on Tuesday, March 24, we adjourn to meet again on Thursday, March 26; and when we adjourn on Thursday, March 26, we adjourn to meet again on Tuesday, March 31, all dates hereinabove stated being in the year 1981.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 132, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 83. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 11th legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 392	67	Athens St. Col. & John C. Calhoun Jr. Col., consolidate
H. B. 298	68	Univ. of AL bd. of Trustees
S. B. 29	35	Smoke Alarms in hotel rooms

S. B. 263	60	Counties, workmen's comp., self-funded ins. groups
H. B. 297	62	Death Penalty Bill
S. B. 59	24	Interest and usury
S. B. 46	24	Bank investigators
S. B. 243	39	P. S. C., expense allow.
S. B. 290	27	Conservation, Comm. of, special permits limited
S. B. 357	41	Mental Health, regional, budget reg.
S. B. 298	59	Attorney General, opinions
S. B. 297	51	Goodwill Industries, B'ham., exempt
S. B. 113	30	Ed., Bds. of, Line item transfers
S. B. 279	21	Public warehouse, fire ins.
S. B. 157	10	Day care child fac, church, exempt.
S. B. 283	39	Corp., campaign contributions
S. B. 184	38	Dept. of Human services, created
S. B. 222	26	Boats, reg. fee incr.
S. B. 406	74	Truck, Tractors, taxes & fees, exempt

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

Mr. Mitchem offered the following Senate Joint Resolution, to-wit:

**S. J. R. 84. HONORING MR. GEORGE LINDSEY.**

WHEREAS, since 1972, through the untiring efforts of George Lindsey and his dedicated interest in Alabama's Special Olympics, almost one-half million dollars have been raised to support athletics and physical fitness programs and facilities for the handicapped in Alabama; and

WHEREAS, a native of Jasper, Alabama, and now world famous as an actor and comedian, George Lindsey first became interested in Alabama's Special Olympics program in 1971 when he helped officiate the state games at Samford University; and

WHEREAS, the following year, prompted by care and concern, George Lindsey produced the first spectacular Stars Show which realized approximately \$8,000 for the cause of Special Olympics; and

WHEREAS, in 1973, the George Lindsey Golf Tournament was added, thus expanding into a full weekend a project which has raised many thousands of dollars for Alabama's Special Olympics, directly benefitting more than 20,000 mentally and physically handicapped in our state; and

WHEREAS, additionally, some \$200,000 from the proceeds of the Celebrity Weekend benefits have been donated to build the new George Lindsey Aquatic Center at Partlow State School in Tuscaloosa, Alabama, and \$13,000 more have been donated to the Alabama Association of Retarded Citizens; and

WHEREAS, in further selfless service, George Lindsey attends our state games, serving as coach, and has also personally attended the international games to coach Alabama's special children in competition with the handicapped of other states and nations; and

WHEREAS, George Lindsey's 1981 Celebrity Weekend promises to be the most spectacular ever for those privileged to participate and attend and, hopefully, the most successful yet for those who hold a special place in the hearts of us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in humble gratitude and profound respect, we hereby most highly commend Mr. George Lindsey, a beloved native of our own State of Alabama and one who is extraordinary in his love and compassion for God's special children.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Mitchem then offered the following Senate Joint Resolution, to-wit:

S. J. R. 85. HONORING MR. JAMES MURRAY CARTER UPON HIS RETIREMENT FROM THE DEPARTMENT OF INDUSTRIAL RELATIONS.

WHEREAS, the Alabama Legislature has noted the announced retirement, effective April 1, 1981, of Mr. James Murray Carter following a distinguished career of some 35 years with the Alabama Department of Industrial Relations; and

WHEREAS, a native of Goshen in Pike County, Mr. Carter attended Troy State University prior to military service with the United States Army during World War II; he attained the rank of Captain and commanded an artillery battery during the European Campaign for which he was awarded the prestigious Bronze Star; and

WHEREAS, Mr. Carter's state service began in 1946 in Andalusia and he subsequently served, through promotion, as Manager of the Talladega Claims Office, Benefit Claims Consultant in the State Administrative Office and as Chief Administrative Analyst, and Special Assistant to the Director, of the Department of Industrial Relations; in 1967, he was appointed to his present position as Director of the Alabama State Employment Service where he has continuously served, except for a period as Acting Director by appointment of Governor George Wallace and into the early months of the administration of Governor Fob James; and

WHEREAS, throughout his long tenure in public employment, Mr. Carter has rendered invaluable service to both our state and nation through his discharge of responsibilities that have been executive in nature and befitting his talent for administrative excellence; he is nationally held in high regard for his technical knowledge and sound judgment and often has been called upon to provide counsel and guidance to the federal government as well as to private businesses and organizations; and

WHEREAS, not only is he affiliated with numerous professional organizations, but has served these organizations, in office and in other capacities of leadership, on state, national and international levels; and

WHEREAS, further indicative of Mr. Carter's reputation for integrity and judgment was his appointment by Governor Albert Brewer as a member of the first Ethics Commission of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. James Murray Carter for extraordinary service to the State of Alabama and direct that he receive a copy of this resolution, tendered in praise and in token of our high regard.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 443. Relating to the Eleventh Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally, or upon appeals to the circuit courts from lower courts.

Also:

H. J. R. 116. NAMING THE ATTALLA, ALABAMA, BUILDING THE "WILLIE CARNES RECREATION BUILDING."

Also:

H. J. R. 120. HONORING THE ACCOMPLISHMENTS OF THE DALEVILLE HIGH SCHOOL'S FEMALE ATHLETES.

Also:

H. J. R. 123. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. CLAUDE RAY MARSH, PROMINENT BLOUNT COUNTY BUSINESSMAN AND CIVIC LEADER.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### SPECIAL ORDER

##### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 392. To consolidate the administration of Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College under a single administration.

The Standing Committee on Education reported the following amendment to the Bill, S. B. 392, to-wit:

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Amend S. B. 392 on line 35 by striking the "two".

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Holmes	St. John	
Bailey	Goodwin	Little	Taylor	
Barron	Hall	Martin	Weeks	
Britnell	Harrison	McDonald	White	
Callahan	Higginbotham	Miller		—18

*Nays:* —0

The Standing Committee on Education then reported the following amendment to the Bill, S. B. 392, as amended, to-wit:

COMMITTEE AMENDMENT TO S. B. 392, AS AMENDED

Amend S. B. 392 Page 1, line 37 by inserting the following sentence. "It is not the intent of this Act to create a four year institution.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Holmes	Robertson	
Barron	Gulledge	Keener	Taylor	
Britnell	Hall	Little	Weeks	
Callahan	Harrison	Martin	White	
deGraffenried	Higginbotham	McDonald		—18

*Nays:* —0

And said Bill, S. B. 392, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 1.

*Yeas:*

Messrs.:	Denton	Hilliard	Miller	
Bailey	Glass	Holmes	St. John	
Barron	Goodwin	Kirkland	Taylor	
Britnell	Hall	Little	Vacca	
Callahan	Harrison	Martin	Weeks	
Cook	Higginbotham	McDonald	White	
deGraffenried				—24

*Nay:* Mr. Keener. —1

RULES SUSPENDED

On motion of Mr. St. John, the Rules were suspended (Rule 14) to allow the Standing Committee on Rules to consider action on the Bill, S. B. 65, now in the possession of said Committee for the purpose of placement on the Consent Calendar.

## BILLS ON THIRD READING RESUMED

## The Bill:

H. 298. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901 to increase the number of trustees of the University of Alabama and to provide for their election; to provide for the retirement of the trustees; and to alter the terms and provide a maximum number of consecutive terms of service; and to provide for and clarify the position of trustee emeritus.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, H. B. 298, to-wit:

## COMMITTEE AMENDMENT TO H. B. 298

Amend House Bill 298, beginning on page 3, line 37, by striking Section 2 in its entirety and inserting in lieu thereof the following:

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Pearson	
Britnell	Gulledge	Little	Robertson	
Cook	Harrison	McDonald	Taylor	
deGraffenried	Higginbotham	Miller	White	
Glass	Holmes	Parsons		—18

*Nays:* —0

And said Bill, H. B. 298, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas 28; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Pearson	
Bailey	Hall	Little	Proctor	
Britnell	Harrison	Martin	St. John	
Callahan	Higginbotham	McDonald	Teague	
Cook	Hilliard	Miller	Vacca	
deGraffenried	Holmes	Mitchem	Weeks	
Denton	Keener	Parsons	White	
Goodwin				—28

*Nays:* —0

BILL RE-COMMITTED

Mr. Callahan moved that the Bill, S. B. 307, be re-committed to the Standing Committee on Commerce, Transportation, and Utilities, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 307, re-committed to the Standing Committee on Commerce, Transportation, and Utilities.

RESOLUTIONS

Messrs. Cook, Parsons, Bailey, Barron, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 86. COMMENDING U. A. B. BASKETBALL TEAM.

WHEREAS, the University of Alabama-Birmingham basketball team has advanced to the Mideast Regional Semi-finals of the National Collegiate Athletic Association 1981 basketball tournament; and

WHEREAS, the U. A. B. Blazers have played brilliantly in defeating Western Kentucky University and stunning national powerhouse University of Kentucky; and

WHEREAS, the citizens of Alabama are proud of the Blazers accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate the U. A. B. Blazers basketball team and its fine coach, Gene Bartow.

BE IT FURTHER RESOLVED, That in order that the Blazers may know of the legislature's pride in them and our support for them in the upcoming games, a copy of this resolution shall be sent to the team.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 87. COMMENDING MISS TERRI DeVANE FOR BEING CHOSEN 1981 ALABAMA TEXTILE QUEEN.

WHEREAS, Miss Terri DeVane of Dothan, Alabama, the daughter of Mr. and Mrs. D. J. McDaniel, and sponsored by the Twitchell Corporation in the state finals, was recently crowned as the 1981 Alabama Textile Queen during the annual pageant held in Montgomery; and

WHEREAS, the beautiful, poised, personable and articulate Miss DeVane travels throughout the Southeast representing the largest industrial employer in Alabama; and

WHEREAS, the talented Miss DeVane, a senior at Auburn University, majoring in mass communications-public relations, has won numerous honors and titles; and while attending Dothan High School, her honors included being a featured twirler for three years, band, choir, Student Action for Education; and



WHEREAS, at Auburn University, Terri will soon begin her fourth year as a majorette and a member of the band. She is a member of the Phi Mu Sorority, Lambda Chi Alpha Little Sister; and is a baton instructor for National Band Front Clinics; therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we sincerely commend Miss Terri DeVane for being selected the 1981 Alabama Textile Queen and wish this beautiful and talented young lady from Dothan, the best in all her future endeavors.

(Signed by the Governor)

On motion of Mr. Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

#### MOTIONS IN WRITING

Mr. Gullledge offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 155, on page 15 of the 11th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 155, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Callahan offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 308, on page 69 of the 11th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 308, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 29. To amend Section 34-15-4, Code of Alabama 1975 relating to the duties of hotel owners, so as to provide that the hotel owners be required to install a smoke detector in each hotel room.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 29, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 29

#### A BILL TO BE ENTITLED AN ACT

To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of a hotel owner, to require hotel owners to install and maintain smoke detectors in their rooms, to further provide for criminal penalties for removing said smoke detectors.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-15-4, Code of Alabama 1975, is hereby amended to read as follows:

"§ 34-15-4.

"(a) Every owner, manager or operator of a hotel shall maintain the physical and sanitary condition of the structure, its equipment, water supply and human waste disposal and shall conduct the operations thereof in such manner as to render services and accommodations to travelers in compliance with rules and regulations governing hotels and hotel operation adopted by the state board of health.

"(b) Every owner, manager, or operator of a hotel shall install and maintain in operating condition a battery or electrically operated smoke detector device in each hotel guest sleeping room. The detectors shall have received an approval from a nationally recognized testing organization.

"(c) Hotel owners or operators shall be required to test each smoke detector device at least once each quarter of each calendar year to determine if each detector is in working order.

"(d) Any person who is convicted, in a court of proper jurisdiction, of tampering with or removing a smoke detector from a hotel room shall be guilty of a Class C misdemeanor as defined by Title 13A of the Code of Alabama 1975."

Section 2. Hotel owners or operators who are found to be in non-compliance with Section 35-15-4, Code of Alabama 1975, as amended by this Act, shall be guilty upon conviction of a Class C misdemeanor as defined by Title 13A of the Code of Alabama 1975.

Section 3. The provisions of this Act will become effective 180 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 101. Relating to Talladega County; to amend further Act No. 79-592, H. 948, 1979 Regular Session (Acts 1979, p. 1051), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to provide for financing of juvenile justice and law enforcement, by increasing the costs and charges of Court.

JOHN W. PEMBERTON,  
Clerk.

#### REPORTS OF COMMITTEES

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey:

S. 233. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bailey (With Amendment):

S. 276. To amend Sections 27-8-1 through 27-8-9, 27-8-11 through 27-8-17, 27-8-20 through 27-8-22, and 27-8-26 through 27-8-28, Code of Alabama 1975, which provide for the licensing of life and disability insurance agents, brokers and representatives, so as to provide further for said licensing; to require educational instruction for new representatives; to permit the licensing of partnerships and corporations; to establish a fee schedule for licenses; to provide further for revocation or suspension of licenses and the procedure thereof; and to further provide for the issuance of temporary and nonresident licenses.

By Mr. Barron (With Amendment):

S. 288. To provide that fees may be charged and collected from time to time for the privilege of obtaining or using a credit card, or other open end credit plan, that entitles the user (a) to purchase or lease goods or services from at least 25 persons, or (b) to obtain loans or other extensions of credit from time to time from one or more persons, or (c) to do both; to provide that such fees shall not constitute finance charges or interest for any purpose; to provide that the provisions of this act are cumulative and are not in derogation of other rights; and to provide for severability, the repeal of conflicting laws or parts of laws and for the effective date of this act.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Manley:

H. 81. To amend Section 27-29-2, Code of Alabama 1975 (as amended Act Number 80-199, Acts of Alabama 1980), which provides for investments in subsidiaries and affiliates of domestic insurance companies.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. White (With Substitute) (With Amendment):

S. 153. To provide for the creation and organization of the Alabama Department of Environmental Management; to provide for legislative intent and purposes of the Act; to provide for definitions; to provide for powers and functions of the Department; to provide for an advisory committee to the Director; to provide for a Board of Appeals within the Department; to provide for powers and functions of the Board of Appeals; to provide for appeals of administrative actions; to provide for adopting rules and regulations; to provide for the transfer of functions and personnel; to provide for an interim appropriation; to provide for the repeal or amendment of certain sections of the Code of Alabama 1975, as amended; to provide for the creation of the Alabama Department of Environmental Management Fund; to provide for the transfer of personnel, funds, functions and equipment of the Coastal Area Board to the Office of State Planning and Federal Programs; to provide for the severability of provisions of the Act; to provide that this Act supplements existing law; and to provide for an effective date of this Act.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. White and deGraffenried:

S. 323. To authorize certain minors to consent to the donation of bone marrow for purposes of bone marrow transplantation and authorize a parent or legal guardian of all other minors to consent to such bone marrow transplantation.

By Mr. Barron:

S. 316. To provide for the licensure and regulation of any person, partnership, association or corporation engaged in servicing, recharging, repairing, testing, inspecting or installing fire extinguishers and fire systems; to prescribe further duties and powers of the State Fire Marshal; to provide for the inspection of portable fire extinguishers at regular intervals; to authorize the State Fire Marshal to promulgate rules and regulations for the administration of this act; to provide that moneys collected pursuant to this act shall be deposited in the State Fire Marshal's Fund; to authorize the State Fire Marshal to expend funds from the State Fire Marshal's Fund for the administration and enforcement of this act; to prescribe license fees pursuant to this act; and to prescribe penalties for violation of the act.

By Messrs. Hall and White:

S. 369. To provide that the receipt of veterans' benefits is not counted as income when determining eligibility for medicaid benefits as a patient in a nursing home.

By Mr. Keener:

S. 390. To provide for the regulation of professional dispensing opticians in Alabama; to create the Alabama Board of Dispensing Opticians and to prescribe its powers, duties, and operation; to define the practice of dispensing opticians; to provide for the examination and licensing of dispensing opticians, prescribing fees therefor, and to provide for the enforcement of the provisions of this Act, and the procedures for such enforcement.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Dial (with notice and proof):

H. 576. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Cleburne County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Cleburne County; and prescribing the procedure for the collection of such assessments.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill had been placed on the Consent Calendar for today, to-wit:

By Mr. Denton:

S. 143. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Shavers and Hall (with notice and proof):

H. 617. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Langston in Jackson County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 617, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. McCorquodale (with notice and proof):

H. 613. Relating to Clarke County; providing for an additional expense allowance for members of the Board of Education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 613, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Shavers and Hall (with notice and proof):

H. 616. Relating to Jackson County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 616, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 618. To amend Section 1 of Act No. 179, H. 976, 1979 Regular Session (Acts 1979, p. 289), entitled "An Act Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance," so as to provide further for the expense allowances of said circuit clerk and to provide for its retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 618, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Payne, Trammell, Olive and Cheatwood (with notice and proof):

H. 191. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 191, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Starkey (with notice and proof):

H. 575. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year; to provide that the first fee schedule shall also be the fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 575, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 617, 613, 616, 618, and 575. To the Committee on Local Legislation No. 1.

H. B. 191. To the Committee on Local Legislation No. 1.

## CONSENT CALENDAR

## BILLS ON THIRD READING RESUMED

The Bill:

S. 143. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	St. John	
Bailey	Gulledge	Little	Taylor	
Barron	Hall	Martin	Teague	
Cook	Holmes	Mitchem	White	
Denton	Keener	Proctor		—18

*Nays:* —0

## FURTHER CONSIDERATION OF S. B. 29

The Senate proceeded to further consideration of the Bill, S. B. 29. The question was on the Committee substitute.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 151. To amend Section 4-2-31, Code of Alabama 1975, which relates to the organization of the Aeronautics Commission, so as to change the provision for monthly meetings to quarterly meetings.

Also:

By Reps. Carothers, Johnson (R. G.), Shoemaker, Roberts, Biddle, Waggoner, Gafford and Bedsole:

H. 213. To abolish the State Licensing Board for the Healing Arts; to transfer all of the powers of the State Licensing Board for the Healing Arts with regard to chiropractors to the State Board of Chiropractic Examiners; and to provide for the transfer of property and assets to the State Board of Medical Examiners for the use of the Medical Licensure Commission.

Also:

By Reps. Carothers, Johnson (R. G.), Shoemaker, Roberts, Biddle, Waggoner, Gafford and Bedsole:

H. 214. To create a commission to be known as the Medical Licensure Commission appointed by the Governor, Lieutenant Governor, and Speaker of the House; to set the terms of office of the members of the Commission and stagger those terms; to give the Commission exclusive power and authority to issue, revoke and reinstate all licenses to practice medicine or osteopathy; to give the Commission authority to promulgate reasonable rules and regulations; to require the Commission to receive and consider but not be bound by the recommendation of the State Board of Medical Examiners prior to exercising its authority under this Act; to provide that all personnel and facilities necessary for administration of this Act be furnished by the State Board of Medical Examiners, and to provide that all money, funds, fees, charges, and other receipts provided for in this Act be paid to the State Board of Medical Examiners to carry out the provisions of this Act; to authorize the State Board of Medical Examiners to employ the individuals necessary for assisting the Commission; to give the Commission and the Board power to call upon prosecuting attorneys for assistance without charge; to give an applicant whose application for a certificate of qualification is denied by the Board a right of appeal to the Commission; to provide for appropriate fees to be charged for administration of this Act; to provide that the State Board of Medical Examiners shall have the duty to promote continuing medical education of all licensed physicians and osteopaths and empower the Board to provide funds to any nonprofit corporation for the purpose of conducting continuing medical education programs without being bound by competitive bidding laws; to establish the necessary administrative provisions for administration of this Act; to authorize the State Board of Medical Examiners to collect all fees provided for in this Act and require the Board of Medical Examiners to furnish all employees and facilities utilized by the Commission; to provide that the State Board of Medical Examiners shall continue to collect fees for examination, certificates of qualification, and such other fees as are authorized by law or this Act; to give the Commission authority to seek an injunction against any person engaged in the unlawful practice of medicine or osteopathy; to require that licenses to practice medicine or osteopathy be recorded in the office of judge of probate in the county in which the licensee resides; to provide that any person who practices medicine or osteopathy without having complied with the provisions of this Act and any person who violates any of the provisions of this Act be fined not less than \$500.00 (five hundred dollars) and not more than \$1,000.00 (one thousand dollars), and, in addition, at the discretion of the trial judge may be imprisoned in the county jail for not more than 12 (twelve) months; to provide that each day a person practices medicine or osteopathy without meeting all of the requirements of all laws now in force and of this Act shall constitute a



separate offense; to provide that any person filing or attempting to file as his own a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree; to give the Medical Licensure Commission the power and duty to suspend for a specified time to be determined in the discretion of the Commission or revoke a license whenever the licensee is found guilty on the basis of substantial evidence of any of the specified grounds in the Act; to establish acts or offenses which constitute grounds for the Medical Licensure Commission to suspend or revoke licenses to practice medicine or osteopathy; to provide that every physician who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing or by making and filing an annual registration to practice medicine or osteopathy shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations at the direction of the Board or Commission and provide that the physician shall be deemed to have given his consent to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications; to establish procedures by which the State Board of Medical Examiners shall investigate complaints against physicians or osteopaths and make recommendations to the Medical Licensure Commission; to establish procedures by which hearings for suspension or revocation of a license shall be conducted by the Commission; to give the authority to the Commission to temporarily suspend the license of a physician or osteopath without a hearing where the physician's or osteopath's continuation in practice may constitute an immediate danger to his patients or to the public; to provide procedures whereby a physician or osteopath may surrender his certificate of qualification or request in writing that a restriction be placed on his certificate of qualification; to specify the actions that may be taken by the Commission if a physician or osteopath is found guilty of any of the acts, offenses or conditions specified in this Act; to grant subpoena power to the Commission and to the Board; to authorize depositions to be taken on a commission issued by the executive officer of the Commission or by the executive director of the Board; to provide that any order of the Medical Licensure Commission suspending or revoking a license to practice medicine or osteopathy shall have immediate effect and shall not be stayed or held in a beyance by any court; to provide that if a court of competent jurisdiction determines that the Commission acted arbitrarily or capriciously or that the Commission grossly abused its discretion, that the order of the Commission shall be vacated upon issuance of a peremptory writ of mandamus; to provide that the reviewing court shall not itself hear or accept any further evidence with respect to issues of fact determined by the Commission; to provide for the repeal of conflicting laws; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Also:

By Reps. Ward, Grouby, Reed, Adams (C), Blake, Hall, Payne, Harper (O), Grimsley, Sasser, Edwards, McKee, Brakefield, Ford, Williams, Pegues, Carothers, Rains, Riddick, Harvey, Stout, Cates, Mitchell, Olive, Gilmer, Smith (M), Cobb, Waggoner, Smith (J), Moore, Howard, Escott, Cheatwood, Trammell, Shoemaker, Cosby, Willis, Parker, Zoghby, Coburn, Manley, Kennedy, Smith (C), Owens, Crow, Ray, Hammett, Penry, McMillan, Turnham, Cabaniss and Barton:

H. 291. To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

Also:

By Rep. Manley:

H. 510. To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to fix the time limits for filing a disclaimer and to provide for the manner of the delivery and filing of the disclaimer; to provide for the form of the disclaimer; to determine the effect of the disclaimer; to provide for waiver and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to ensure that this Act is construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes; to provide for severability of the provisions of this Act; and to provide for a retroactive effective date for the provisions of this Act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 151. To the Standing Committee on Governmental Affairs.

H. B.'s 213 and 214. To the Committee on Health and Welfare.

H. B. 291. To the Committee on Education.

H. B. 510. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 229. To regulate and control the operation and licensing of massage parlors within Mobile County; and providing penalties for violation.

Also:

H. 397. Relating to the City of Florence; repealing Act No. 2459, H. 2839 of the 1971 Regular Session (Acts 1971, Vol. V, p. 3925), entitled "An Act To prohibit the City of Florence, or any agency thereof, from collecting outside the corporate limits of said city any permit fees, inspection fees or other fees with respect to the enforcement of any building code provision; to provide that building code provisions may be enforced within the police jurisdiction of said city, but to limit the collection of all fees and charges therefor to the area within the corporate limits of the City of Florence."

Also:

H. 476. Relating to the Town of Killen, Lauderdale County; providing for annexation to the Town of Killen.

Also:

H. J. R. 132. Relative to legislative meeting dates from Thursday, March 19, 1981, through Tuesday, March 31, 1981.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Naramore, Brakefield, Bowling, Biddle, Waggoner, Gafford and Moore:

H. 184. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 184. To the Committee on Commerce, Transportation, and Utilities.

### FURTHER CONSIDERATION OF S. B. 29

The Senate proceeded to further consideration of the Bill, S. B. 29. The question was on the Committee substitute.

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And said substitute for the Bill, S. B. 29, was then adopted by the Senate.

Yeas 22; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	deGraffenried	Hilliard	Pearson	
Bailey	Denton	Holmes	Smith	
Barron	Gulledge	Keener	Taylor	
Britnell	Hall	Little	Weeks	
Callahan	Harrison	Martin	White	
Cook	Higginbotham	Mitchem		—22

*Nays:* —0

*Abstaining:* Mr. Parsons. —1

And said Bill, S. B. 29, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 5.

Abstaining 1.

*Yeas:*

Messrs.:	deGraffenried	Higginbotham	Parsons	
Bailey	Denton	Hilliard	Pearson	
Barron	Figures	Keener	Smith	
Britnell	Gulledge	Little	Weeks	
Callahan	Hall	Miller	White	
Cook	Harrison	Mitchem		—22

*Nays:* Messrs.: Holmes, Kirkland, Robertson, St. John, Taylor. —5

*Abstaining:* Mr. Martin. —1

### MOTIONS IN WRITING

Mr. Kirkland offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 174, on page 25 of the 11th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 174, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Kirkland then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 30, on page 58 of the 11th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 30, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## RESOLUTIONS

Messrs. Pearson, Hilliard, Hall, and Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 88. COMMENDING THE SIXTH AVENUE BAPTIST CHURCH OF BIRMINGHAM, ALABAMA, ON THE 100th ANNIVERSARY OF ITS FOUNDING.

WHEREAS, it is to be noted that the membership of the historic Sixth Avenue Baptist Church of Birmingham, Alabama, is observing the 100th anniversary of the Church's founding; and

WHEREAS, organized in 1881, under its first pastor, The Reverend Silas Jones, the Sixth Avenue Baptist Church is a community church which, through the years, has touched and guided the lives of its members from all walks of life; and

WHEREAS, moved to its present site some ten years ago, the new church complex, in addition to its beautiful sanctuary and spacious educational facilities, also includes a federal credit union with assets in excess of one-half million dollars; the church boasts an outstanding Music Department and further provides spiritually responsive programs for communicants of all ages; and

WHEREAS, other pastors who have ministered to the needs of the congregation are The Reverend John W. Goodgame, Sr, who served as the sixth pastor from 1908 to 1938, and The Reverend John W. Goodgame, Jr., who served from 1938 until 1962; and

WHEREAS, from 1962 until the present, Dr. John Porter has assumed the pastoral leadership of the Sixth Avenue Baptist Church; Dr. Porter is a former member of the Alabama House of Representatives who currently serves state government in his capacity as a member of the Alabama Pardons and Paroles Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend utmost commendation and praise to the Sixth Avenue Baptist Church of Birmingham, Alabama, on the occasion of the 100th anniversary of its founding; we further stand in tribute to the Church's continuing Christian influence within the community, and to the dedicated spiritual guidance of The Reverend John Porter.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Porter at the 100th Anniversary Church Family Banquet, with a copy also provided for appropriate church display.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 89. COMMENDING FIVE MONROE COUNTY INDUSTRIES FOR DONATING A TOTAL OF \$100,000 TOWARDS THE COST OF A PRELIMINARY STUDY FOR A NEW BRIDGE AT CLAIBORNE OVER THE ALABAMA RIVER.

WHEREAS, five Monroe County industries will donate a total of \$100,000 towards the cost of a preliminary study for a new bridge at Claiborne over the Alabama River; and

WHEREAS, Alabama River Pulp and its affiliate, Alabama River Woodlands, Harrigan Lumber Co., Scotch Plywood Co., Vanity Fair Mills Inc., and Georgia-Pacific Corp. have been honored by the Monroe County Commission for their outstanding generosity in this much needed public undertaking that will benefit Monroe and Clarke Counties; and

WHEREAS, this Legislature wishes to express its gratitude to these fine industries for their public spirit in this and many other public undertakings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do express our most sincere gratitude to the Alabama River Pulp and its affiliate, Alabama River Woodlands, Harrigan Lumber Co., Scotch Plywood Co., Vanity Fair Mills Inc. and Georgia-Pacific Corp. for their donation of \$100,000 towards the cost of a preliminary study for a new bridge at Claiborne over the Alabama River, which will greatly benefit the citizens of Alabama and particularly the citizens travelling between Clarke and Monroe Counties.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each of these fine public spirited companies.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 90. POSTHUMOUSLY HONORING VELMA WRIGHT IRONS AS A NATIONALLY RECOGNIZED EDUCATOR AND FOUNDER OF THE FIRST PUBLIC CLASS FOR VISUALLY HANDICAPPED CHILDREN IN THE ALABAMA PUBLIC SCHOOL SYSTEM, AND ENDORSING HER NOMINATION FOR INDUCTION INTO THE ALABAMA WOMEN'S HALL OF FAME.

WHEREAS, the Legislature of Alabama recognizes that many Alabama sons and daughters have brought credit, honor and fame to their native state by service, devotion and selfless sacrifice to their fellow man; and

WHEREAS, Velma Wright Irons was born in Wedowee, Alabama, November 21, 1904, one of five children of William Samuel Wright and Minnie Lee Young Wright, one of the founding families of that town located near the foothills of the mighty American Appalachian Mountains in Randolph County; and

WHEREAS, she began teaching in the rural schools of Randolph County, Alabama, at the age of seventeen and graduated with honors from Florence State Normal Teachers College in 1923, and received a bachelor of arts degree from the University of Alabama in 1925, and began teaching in the public schools of Carlowville, Dallas County, Alabama, and later continued her teaching career in the Birmingham Public School System from 1948 through 1967; and

WHEREAS, she founded and taught the first public class in Alabama for visually handicapped children in 1951, allowing the handicapped child to participate in a normal elementary school environment for the first time in our great state's history; and

WHEREAS, she was recognized as a national leader in the field of education by her selection to Who's Who in American Education, Who's Who in the South and Southwest, and holds the distinction of being the first of Alabama's daughters selected for Who's Who in American Women; and

WHEREAS, she was honored by all Alabamians as alternate winner of Alabama's Favorite Teacher Contest in 1952, and the nation saluted her outstanding professional ability as recipient of a national award as the outstanding classroom teacher by Freedom's Foundation, Valley Forge, Pennsylvania, in 1964—the highest honor bestowed upon a classroom teacher by Freedom's Foundation, Valley Forge, Pennsylvania; and

WHEREAS, she received national commendation as America's outstanding educator in proceedings before the United States Senate in Washington, D. C., on December 6, 1967; and

WHEREAS, she served tirelessly in leadership roles in civic, social and church organizations including The Pierian Club, The American Association of University Women, The Parent-Teacher's Association, Howard College Auxiliary, Shakespearian Club, Faculty Wives Club, Kappa Delta Epsilon, Altrusa Club, Classroom Teacher's Association, Alabama Educational Association, National Educational Association, Birmingham Beautification Board, Daughters of the American Revolution, United Daughters of the Confederacy and Kappa Kappa Gamma. Mrs. Irons was also author of The History of the Howard College Auxiliary, and past teacher and superintendent of Sunday School at Ruhama and Southside Baptist Churches; and

WHEREAS, her influence as a teacher continues to burn brightly in the Halls of Learning throughout Alabama today through a series of memorial scholarships perpetuated in her honor at Samford University and presented annually to outstanding students; and

WHEREAS, she was the wife of Dr. George Vernon Irons, Sr., Samford University's distinguished professor and illustrious member of Alabama's Sports Hall of Fame as the South's unbeaten premier distance runner at the University of Alabama in the 1920's, and mother of two fine sons, Dr. George Vernon Irons, Jr., nationally recognized cardiologist who earned the highest grades ever attained in the history of the University of Alabama Medical School, and William Lee Irons, Birmingham lawyer and former outstanding junior officer of the United States Air Force during the Viet Nam war; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do praise, commend and honor the late Velma Wright Irons for her life, devotion and sacrifice to the visually handicapped children of Alabama, and as an inspiration for all daughters of our great state, and wholeheartedly endorse her nomination for immediate induction into the Alabama Women's Hall of Fame.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 318. Relating to Lee County; levying an additional ad valorem tax in the City of Auburn to be used for educational purposes and providing for a referendum.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 318, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. 318

Amend S. 318 as follows:

On page 1, line 33, delete the language "May 12, 1981" and insert in lieu thereof: May 26, 1981

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Little	Smith
Barron	Gulledge	Miller	Taylor
Britnell	Hall	Mitchem	Vacca
Cook	Higginbotham	Parsons	Weeks
Denton	Holmes	Pearson	White
Figures	Keener		

—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Ward:

H. J. R. 134. DESIGNATING THE FIRST WEEK IN JUNE, EACH YEAR, AS "ALABAMA GARDEN WEEK" IN OUR STATE.

WHEREAS, The Garden Club of Alabama, Inc., with member clubs throughout the entire State of Alabama, number approximately 10,000 adult members and 1,000 youth gardeners; and

WHEREAS, through the years this organization has been vitally interested in the promotion of gardening in all aspects, growing for beauty, shelter and food; and

WHEREAS, The National Council of State Garden Clubs, Inc., of which The Garden Club of Alabama, Inc., is a member, is vitally interested in having the first week in June each year officially designated "National Garden Week" by an act of the United States Congress, to draw attention to all phases of agriculture and so honor those therein engaged; and



WHEREAS, The Garden Club of Alabama, Inc., has expressed a desire that the first week in June each year be observed as Alabama Garden Week, in recognition of gardening interests within our own state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the first week in June each year is hereby designated as Alabama Garden Week and is to be so observed in annual recognition of gardening interests within the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Arthur J. McCrary, president, on behalf of the membership of The Garden Club of Alabama, Inc.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Martin, the Rules were suspended and the Resolution, H. J. R. 134, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Adams (C):

H. J. R. 136. RECOGNIZING BILLY JACKSON FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Adams (C):

H. J. R. 137. RECOGNIZING KEN JOHNSON FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Higginbotham, the Rules were suspended and the Resolutions, H. J. R.'s 136 and 137, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Mitchell:

H. J. R. 135. NAMING THE LIBRARY AT TUSCALOOSA COUNTY HIGH SCHOOL, THE "LURLEEN B. WALLACE MEMORIAL LIBRARY."

WHEREAS, the beloved Chief Executive of the State of Alabama, Governor Lurleen Burns Wallace, died in office on May 7, 1968, at the early age of just 41 years; and

WHEREAS, much admired and respected and deeply loved by all who were privileged to know her, Governor Lurleen lives yet in the hearts of her people as a cherished memory to be honored by the grateful citizens of the State of Alabama; and

WHEREAS, Governor Lurleen Wallace, a native of Tuscaloosa County, was a graduate of Tuscaloosa County High School and it is deemed befitting by the members of this body that her memory be honored by the designation of the library at said school as the "Lurleen B. Wallace Memorial Library"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the library at Tuscaloosa County High School is hereby named and designated as the "Lurleen B. Wallace Memorial Library."

BE IT FURTHER RESOLVED, That appropriate signs and markers be erected and maintained so designating said library, and that the family of the late Governor Wallace be notified, by copy of this resolution, of these actions of the Alabama Legislature perpetuating the memory of our beloved Governor Lurleen.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Robertson, the Rules were suspended and the Resolution, H. J. R. 135, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 298. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901 to increase the number of trustees of the University of Alabama and to provide for their election; to provide for the retirement of the trustees; and to alter the terms and provide a maximum number of consecutive terms of service; and to provide for and clarify the position of trustee emeritus.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 86. COMMENDING U.A.B. BASKETBALL TEAM.

Also:

S. J. R. 87. COMMENDING MISS TERRI DeVANE FOR BEING CHOSEN 1981 ALABAMA TEXTILE QUEEN.

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 263. To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members; and providing liability insurance protection for county officials, county employees and county property.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Proctor
Barron	Gulledge	Little	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Weeks
deGraffenried	Keener	Parsons	White

—23

*Nays:*

—0

### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. J. R. 77. CREATING A JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE THE POTENTIAL EFFECT ON THE COST OF HOSPITALIZATION AND THE PROVISION OF HEALTH CARE IN ALABAMA IF A FOREIGN CORPORATION PURCHASES A CONTROLLING INTEREST IN A CORPORATION OWNING OR OPERATING HOSPITALS IN ALABAMA.

The Standing Committee on Rules reported the following substitute for the Resolution, S. J. R. 77, to-wit:

### COMMITTEE SUBSTITUTE FOR S. J. R. 77

CREATING A JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE THE POTENTIAL EFFECT ON THE COST OF HOSPITALIZATION AND THE PROVISION OF HEALTH CARE IN ALABAMA IF A FOREIGN CORPORATION PURCHASES A CONTROLLING INTEREST IN A CORPORATION OWNING OR OPERATING HOSPITALS IN ALABAMA.

WHEREAS, Brookwood Health Services, Inc., ("Brookwood") is the largest investor owned provider of health services in Alabama owning or operating hospitals either directly or pursuant to management contracts which facilities contain approximately 841 beds; and

WHEREAS, many citizens of the State have complained about the high cost of hospitalization and the inadequate health care services provided in hospitals; and

WHEREAS, a foreign corporation has offered to purchase all of the issued and outstanding capital stock of Brookwood tendered on or before April 8, 1981; and

WHEREAS, if such foreign corporation purchases a controlling interest in Brookwood, the cost of hospitalization in formerly Brookwood owned facilities could be tremendously increased and the quality of health care services in Alabama could be decreased;

NOW, THEREFORE, BE IT RESOLVED, BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING that there is hereby created a select committee to be comprised of four members of the House and four members of the Senate provided that one such member from the House and one such member from the Senate shall represent the constituents of Coffee County, to be appointed by the presiding officers of each house.

The Chairman and Vice Chairman of the committee shall be elected at the first meeting thereof by the members of the committee. The committee shall investigate the potential effect on the cost of hospitalization and the provision of health care in Alabama which might occur in the event a foreign corporation purchases a controlling interest in Brookwood. The Attorney General shall provide the committee with legal advice if requested. The committee shall report to the Legislature on the last day of the 1981 Regular Legislative Session, after which the committee will expire.

Messrs. Miller and Cook offered the following substitute for the Committee substitute for the Resolution, S. J. R. 77, to-wit:

**SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR S. J. R. 77**

**CREATING A JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE THE POTENTIAL EFFECT ON THE COST OF HOSPITALIZATION AND THE PROVISION OF HEALTH CARE IN ALABAMA IF A FOREIGN CORPORATION PURCHASES A CONTROLLING INTEREST IN A CORPORATION OWNING OR OPERATING HOSPITALS IN ALABAMA.**

WHEREAS, Brookwood Health Services, Inc., ("Brookwood") is the largest investor owned provider of health services in Alabama owning or operating hospitals either directly or pursuant to management contracts which facilities contain approximately 841 beds; and

WHEREAS, many citizens of the State have complained about the high cost of hospitalization and the inadequate health care services provided in hospitals; and

WHEREAS, a foreign corporation has offered to purchase all of the issued and outstanding capital stock of Brookwood tendered on or before April 8, 1981; and

WHEREAS, if such foreign corporation purchases a controlling interest in Brookwood, the cost of hospitalization in formerly Brookwood owned facilities could be tremendously increased and the quality of health care

services in Alabama could be decreased; NOW, THEREFORE, BE IT RESOLVED, BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING that there is hereby created a select committee to be comprised of four members of the House and four members of the Senate provided that one such member from the House and one such member from the Senate shall represent the constituents of Coffee County, to be appointed by the presiding officers of each house.

The Chairman and Vice Chairman of the committee shall be elected at the first meeting thereof by the members of the committee. The committee shall investigate the potential effect on the cost of hospitalization and the provision of health care in Alabama which might occur in the event a foreign corporation purchases a controlling interest in any health care facility in this State. The Attorney General shall provide the committee with legal advice if requested. The committee shall report to the Legislature on the last day of the 1981 Regular Legislative Session, after which the committee will expire.

Which was adopted.

And said Committee substitute, as thus amended by the Miller and Cook substitute was then adopted by the Senate.

Yeas 17; Nays 5.

Yeas:

Messrs.:	Gulledge	Kirkland	Parsons	
Cook	Hall	Lemaster	St. John	
deGraffenried	Harrison	Little	Taylor	
Glass	Holmes	Miller	White	
Goodwin	Keener			—17

Nays: Messrs. Barron, Denton, Higginbotham, Martin, Smith. —5

And said Resolution, S. J. R. 77, as thus amended, was then adopted by the Senate.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 101. Relating to Talladega County; to amend further Act No. 79-592, H. 948, 1979 Regular Session (Acts 1979, p. 1051), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to provide for financing of juvenile justice and law enforcement, by increasing the costs and charges of Court.

Also:

S. 318. Relating to Lee County; levying an additional ad valorem tax in the City of Auburn to be used for educational purposes and providing for a referendum.

ALBERT McDONALD,  
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 297. To define capital offenses; to provide for a sentence of life imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for appellate review of convictions and sentences in cases in which defendants are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions for use in cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary re-interpreted; to provide for severability; to specify the way the act is to be applied if the death penalty provisions of it are declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, § 13-11-1 through § 13-11-9, also codified as § 13A-5-30 through § 13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

was taken up.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Pegues:

H. 115. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901; which Section defines general, local and special or private laws; to validate and confirm Act 79-263 (House Bill No. 68) which Act established eight classes of municipalities and each and every act enacted which refers or relates to a class of municipalities established under the provisions of Act No. 79-263.

Also:

By Reps. Bedsole, Harper (T), Zoghby, Bennett, Daniels, Dixon, Clark (G), Turnham, Stewart, Warren, Ward, Laird, Hammett, Cosby, Lewis, Horn and Dial:

H. 174. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

Also:

By Reps. Boles, McCorquodale, Cheatwood, Payne, Nevett, Olive, Horn, Escott, Kennedy, Harrison, Cabaniss, Trammell, Moore, Patton, Goodwin, Starkey, Cobb, Hall, Drinkard, Stout, Harvey, Ward, Laird, Grimsley, Whatley, Carothers, Dixon, Shoemaker, Holley, Langford, Wyatt, Cates, Hammett, Hines, Warren, McMillan, Penry, Sandusky, Harper (T), Turner, Albright, Roberts, Johnson (Roy), Rains, Ford, Brakefield, Letson, Barton, Smith (C), Clark (G), Manley, Campbell, Venable, Dial, McKee, Blake, Minus, Johnson (R. G.), Adams (C), Reed, Bedsole, Buskey, Clark (W), Stewart, Edwards, Cosby, Pegues, Coburn, Willis, Crow, Sasser, Amari, Waggoner, Gregg, Smith (M) and Mitchell:

H. 409. To create and establish a state land resources information center within the Legislative Fiscal Office; to prescribe certain data and information to be compiled by such center and to provide for the administration of such center.

Also:

By Rep. Adams (C):

H. 537. To make further provisions for the issuance of obligations by the Alabama Highway Finance Corporation by amending Article 7 of Chapter 1 of Title 23 of the Code of Alabama, 1975, as amended, so as to exempt all obligations issued by the Corporation from the laws of the State governing usury or prescribing or limiting interest rates including but without limitation to the provisions of Chapter 8 of Title 8 of the Code of Alabama, 1975.

Also:

By Rep. Dixon:

H. 323. To amend section 13A-10-8, Code of Alabama 1975, dealing with the crime of rendering a false alarm of fire or other emergency involving danger to life or property, so as to enlarge the scope of the criminal activity therein proscribed and increase the penalty for such newly proscribed criminal activity.

Also:

By Rep. Manley:

H. 381. To amend Section 41-4-156 of the Code of Alabama 1975 which provides for the printing of acts and resolutions in pamphlet form, so as to require the printing of local acts as well as the general acts in pamphlet form, and to provide further for the distribution of pamphlet acts.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 115 and 381. To the Committee on Governmental Affairs.

H. B. 174. To the Committee on Education.

H. B.'s 409 and 537. To the Committee on Finance and Taxation.

H. B. 323. To the Committee on Judiciary.

(The above Bill, H. B. 115, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 298. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901 to increase the number of trustees of the University of Alabama and to provide for their election; to provide for the retirement of the trustees; and to alter the terms and provide a maximum number of consecutive terms of service; and to provide for and clarify the position of trustees emeritus.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 297

The Senate proceeded to further consideration of the Bill, H. B. 297.

RESOLUTION

Mr. Hall offered the following Senate Joint Resolution, to-wit:

S. J. R. 91. COMMENDING THE PINSON VALLEY WRESTLING TEAM FOR WINNING ITS SECOND STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

WHEREAS, the Pinson Valley High School won its second straight 3A State Wrestling Championship; and

WHEREAS, the Pinson Valley Wrestling Team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS, Coach Charlie Bruce is due much credit not only for the high degree of technical skill displayed by the team but also for their fine spirit and their will to win, which is necessary in this type of effort; and

WHEREAS, the members of this team have shown the attributes of devotion to duty and desire to win that will stand them in good stead throughout their life and ought to be commended on their achievements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we most heartily commend the Pinson Valley High School Wrestling Team for winning its second straight 3A State Wrestling Championship and we do heartily congratulate Coach Charlie Bruce and the members of the wrestling team, viz: Travis Fox, Clint Nail, Joey Maryanow, Barry Dunn, Steve Davis, Larry Sanford, Richard Cowden, Jay Cherry, Ricky Porter, Jeff Sims, Bryan Hoyt, Bill Whilden, Mark Johns, Jesse Turner, Joseph Gregg, and Steve Burroughs.



BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Bruce on behalf of the team, with a copy also provided for appropriate school display.

On motion of Mr. Hall, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF H. B. 297

The Senate proceeded to further consideration of the Bill, H. B. 297.

Mr. Keener offered the following amendment to the Bill, H. B. 297, to-wit:

#### AMENDMENT TO H. B. 297

Amend H. 297 as follows:

On page 9, Section 8, subsection f, in line 22, after the word "on" delete the words "a vote of at least ten jurors" and insert in lieu thereof:

an unanimous vote of the jurors

and in line 23 insert a period after "writing" and delete the remainder of the sentence.

#### RESOLUTION

Messrs. Kirkland, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 92. EXTENDING WISHES FOR AN EARLY AND COMPLETE RECOVERY FOR OUR COLLEAGUE, REPRESENTATIVE BROOKS HINES.

WHEREAS, it is with regret that the Alabama Legislature notes the hospitalization of our good friend and colleague, Representative Brooks Hines; and

WHEREAS, Mr. Hines is recuperating from back surgery and although the prognosis is favorable for a complete and total recovery, he is expected to be confined for a period of time; and

WHEREAS, Brooks Hines is serving his second term as the Representative from District 91, Escambia County, and is a member of the Banking and Insurance Committees; he most ably represents not only his own constituency but also the needs and priorities of all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we regret the hospitalization of our friend Brooks Hines and sincerely beseech his complete recovery at the earliest possible time.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Hines that he and his family may know of our deep concern and of our sincere best wishes, extended in friendship and in warm regard.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Turnham and McCorquodale:

H. 417. To amend Act No. 80-691, H. 811, 1980 Regular Session (Acts of Alabama 1980, p. ), which Act creates the Alabama Toll Road, Bridge and Tunnel Authority, defines its powers and duties and authorizes the issuance of revenue bonds, so as to remove certain maximum rates of annual interest such bonds shall bear, thereby authorizing the Authority to sell such bonds in such a manner and for such a price as it may determine to be in the best interest of the Authority.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 417. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cosby:

H. 596. To provide a procedure in all Class 5 municipalities for filling vacancies, unless otherwise provided by local law, occurring in the governing bodies of such municipalities; to provide for special elections in certain circumstances; and to provide that this procedure shall apply to any vacancies existing as of the effective date of this Act.

Also:

By Rep. Drinkard:

H. 374. To amend Section 25-4-146, Code of Alabama 1975, relating to the police powers of certain employees of the department of industrial relations so as to extend their power to the enforcement of all criminal laws of the state as they relate to the interests of the department of industrial relations.

Also:

By Reps. Shoemaker, Dial, Kelley and Johnson (R. G.):

H. 337. To amend Section 20-2-93, Code of Alabama 1975, relating to forfeitures and seizures of property and vehicles used in violation of the Alabama Controlled Substances Act so as to provide for the sale of such property and vehicles and to further provide for the use and disposition of the proceeds from the sale of forfeited property.

Also:

By Reps. Edwards, Warren and Cosby:

H. 155. To amend Section 41-16-52, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to increase the present limits on expenditures for repair or lease of heavy duty off-highway construction equipment that may be made without the requirement of competitive bids being taken from \$1,500 to \$6,000 on parts and repair and from \$1,500 to \$3,000 per month on the lease of such equipment.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 596 and 374. To the Committee on Governmental Affairs.

H. B. 337. To the Committee on Judiciary.

H. B. 155. To the Committee on Finance and Taxation.

#### FURTHER CONSIDERATION OF H. B. 297

The Senate proceeded to further consideration of the Bill, H. B. 297. The question was on the amendment offered by Mr. Keener.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 77. CREATING A JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE THE POTENTIAL EFFECT ON THE COST OF HOSPITALIZATION AND THE PROVISION OF HEALTH CARE IN ALABAMA IF A FOREIGN CORPORATION PURCHASES A CONTROLLING INTEREST IN A CORPORATION OWNING OR OPERATING HOSPITALS IN ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF H. B. 297

The Senate proceeded to further consideration of the Bill, H. B. 297. The question was on the amendment offered by Mr. Keener.

#### ADJOURNMENT

At 5:20 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 297, the Senate adjourned until Thursday, March 19, 1981, at 11:30 A.M.

## TWELFTH LEGISLATIVE DAY

THURSDAY, MARCH 19, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Jack Thompson, Associate Pastor, Frazer Memorial United Methodist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. Vacca, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Eleventh Legislative Day was approved by the Senate.

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. deGraffenried:

S. 478. To amend Section 39-2-2 of the Code of Alabama 1975 so as to modify the manner in which purchases in excess of \$2,000.00 shall be advertised and the manner in which bids shall be solicited in the awarding of contracts for public improvements by agencies of the State of Alabama.

Committee on Governmental Affairs.

By Mr. deGraffenried:

S. 479. To amend Section 36-16-8 of the Code of Alabama 1975, to increase the dollar value from \$100.00 to \$500.00 for nonconsumable property that has to be reported by the property manager of each department or agency of the state to the property inventory control division, and decreasing the frequency of reporting from every six months to every two years.

Committee on Governmental Affairs.

By Mr. Weeks:

S. 480. To provide athletic facilities for teachers and state employees; to provide for an appropriation and to provide that bill collectors and collection agencies shall be prohibited from entering said premises; and to provide penalties for violations of this Act.

Committee on Finance and Taxation.

By Mr. Denton:

S. 481. To amend § 12-16-34, Code of Alabama 1975, which section relates to the compensation of members of the jury commission; to provide that the amount of compensation to which a member of the jury commission is entitled shall be paid by the state upon the certification of the chairman of the jury commission.

Committee on Judiciary.

By Mr. Hilliard (with notice and proof):

S. 482. To authorize and provide for the incorporation in Jefferson County of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways on the Black Warrior River and proposed channels on Village, Valley, and Five Mile Creeks into the Birmingham metropolitan area through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities, including roads, railroads, pipelines, conveyors, and facilities suitable for use as manufacturing plants, industrial plants, and leasing or letting such buildings, structures or facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to

the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities, and all conveyances, leases, mortgages and deeds of trust to which such authority is a party, from all taxation in the state, including license and excise taxes, levied by any county, municipality, or political subdivision of the state; to exempt such authority from payment of certain charges to judges of probate; to exempt every authority from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of the county by which the incorporation of the authority was authorized if there is such a system applicable to the employees of the county, and to provide for the dissolution of any such authority and the disposition of its property.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 482, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,  
Secretary.

### POINT OF ORDER

Mr. White raised the following point of order: "Is it necessary that bills be read at length on first reading?"

The President and Presiding Officer read the following from Section 63 of the Constitution of Alabama of 1901: "Every bill shall be read on three different days in each house, and no bill shall become a law, unless on its final passage it be read at length, and the vote be taken. . . ."

Whereupon, the President and Presiding Officer ruled that it was not necessary that bills be read at length on first reading, and he so instructed the Secretary.

### INTRODUCTION OF BILLS

#### RESUMED

By Mr. Taylor (with notice and proof):

S. 483. To authorize the Wilcox County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering wine to retailers in Wilcox County; providing for

the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 483, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. deGraffenried:

S. 484. To amend Section 8-8-10 of the Code of Alabama 1975, relating to interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

Committee on Judiciary.

By Messrs. Cook, Callahan, Miller, Teague, Proctor, Vacca, White, Parsons, Goodwin, Mitchem, Lemaster, Denton, Smith, Holmes, Robertson, Hall, Keener, Glass, Taylor, Martin, Little and Gullledge:

S. 485. To provide further for the annual salary of the state treasurer of this state.

Committee on Governmental Affairs.

By Mr. Goodwin:

S. 486. To provide labeling requirements and marketing procedures for products containing honey; and to provide penalties for violation.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Miller:

S. 487. To amend Section 41-16-107, Code of Alabama 1975, relating to contracts for sale of certain state property; providing that the provisions of Article 5 at Sections 41-16-100 through 41-16-109, Code of Alabama 1975, as amended, shall not apply to the sale or disposal of tangible personal property by the State Highway Department when the purchaser or recipient is a county governing body of this state.

Committee on Governmental Affairs.

By Messrs. Glass, Little and Proctor:

S. 488. To amend sections 34-27-2 and 34-27-36 of the Code of Alabama 1975 so as to provide further for exemptions from certain provisions of the Alabama Real Estate License Law of 1951.

Committee on Governmental Affairs.

By Mr. Harrison:

S. 489. To amend section 5-19-15 of the Code of Alabama 1975 relating to garnishment so as to conform to the federal statute.

Committee on Judiciary.

By Mr. White:

S. 490. To amend Section 34-9-6, Section 34-9-7, Section 34-9-9, Section 34-9-18, Section 34-9-19, Section 34-9-20, Section 34-9-42, Section 34-9-43, and Section 34-9-46, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

Committee on Health and Welfare.

By Mr. White:

S. 491. Amending Sections 22-21-260, 22-21-263 through 22-21-265, 22-21-267, 22-21-270 and 22-21-276, Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, so as to define a controlling interest in a health care facility; to provide the acquisition of a health care facility shall be subject to review by the state board of health; to provide that the criteria for review in a health care facility acquisition shall include the effect on cost of health care services and whether such acquisition will result in the cancellation of such services; to provide for the procedure for application to the state board of health and local health systems agency for acquisition of a health care facility, to further provide for certificates of need for health care facilities; and to further provide for denial of reimbursement for services in case of violation of Article 9 of Chapter 21 of Title 22, Code of Alabama 1975.

Committee on Health and Welfare.

By Mr. Smith:

S. 492. To exempt the Childrens Home, Huntsville, Alabama, from the payment of state, county or municipal sales or use taxes.

Committee on Finance and Taxation.

By Mr. Smith:

S. 493. To exempt Interfaith Mission Service, Inc., Huntsville, Alabama, from the payment of state, county or municipal sales or use taxes.

Committee on Finance and Taxation.

By Mr. Weeks:

S. 494. To amend Section 27-15-28 and Section 27-36-7, Code of Alabama, 1975, as amended, which relate to the standard nonforfeiture law and the standard valuation law of life insurance and annuity contracts so as to provide a system for automatic annual updating of the statutory valuation and nonforfeiture interest rate standards applicable to new business, to provide new mortality tables for ordinary life insurance and to authorize the Commissioner of Insurance to promulgate more modern life insurance annuity and disability tables; to change the excess initial expense where used to determine minimum nonforfeiture values for life insurance; to provide technical changes to simplify compliance with the laws and to handle new products; and to authorize the Insurance Commissioner to promulgate valuation and nonforfeiture regulations to accommodate life insurance plans providing for future premium determination and plans for which minimum reserves or nonforfeiture values cannot be expressly determined.

Committee on Banking and Insurance.



By Mr. Callahan:

S. 495. To make it unlawful to fish in the Gulf of Mexico with any kind of net, except a hand thrown cast net, within one mile of the beaches or shore line of the State of Alabama that borders on the Gulf of Mexico; prescribing penalties.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Gulledge:

S. 496. To provide for the granting of up to five years creditable service under the teachers' retirement system of Alabama for service rendered in certain private schools in Alabama; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; to provide that the member shall pay the total cost for such credit; and to provide that a member may use the credit in calculating the average final salary.

Committee on Finance and Taxation.

By Mr. Cook:

S. 497. To provide immunity to physicians from liability for civil damages for prescribing pain relieving drugs under certain circumstances.

Committee on Judiciary.

By Mr. Keener:

S. 498. To provide for commitment hearings to determine whether defendants acquitted of crimes by reason of insanity should be involuntarily committed to the Alabama state department of mental health; to provide for initial detention of the defendants prior to the final hearings; and to provide for the commitment of such persons.

Committee on Judiciary.

By Mr. deGraffenried:

S. 499. To provide that any Class 4 city, according to Section 11-40-12, of the Code of Alabama of 1975, as amended, may, on land which it owns located in the corporate limits or its police jurisdiction, explore for methane or coal gas, develop production wells, and sell the same to industrial users for the purpose of conserving energy and promoting industrial development; lease gas rights in and to lands located adjacent to municipally owned land for the purpose of establishing drilling or production units; construct and maintain a delivery system and use said gas for municipal purposes or contract with industries or public utility companies for the sale of gas produced; expend money for the purpose of constructing such system, and, further may issue revenue bonds, revenue warrants, or general obligation bonds or securities, subject to constitutional requirements, provided, however, no such city presently served by a gas company operating as a public utility shall distribute and sell to the public generally.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Hall:

S. 500. Relating to elections; to provide for the designation of a principal campaign committee by each candidate for election to state office; to provide for the registration of political committees (including the principal campaign committee of each candidate) with the state; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to provide for the implementation and enforcement of the act; to define terms used in this act; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising, to prohibit the intimidation of voters, certain expenditures to influence voting, the promise of appointment by a candidate, the promise of employment or other benefit for political activity, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, any contribution of currency in excess of a specified amount, fraudulent misrepresentations of campaign authority, and certain enumerated corrupt practices with respect to elections; to provide penalties for the violation of the provisions of the act; and to repeal Chapter 22 of Title 17 of the CODE OF ALABAMA 1975.

Committee on Governmental Affairs.

By Mr. Mitchem:

S. 501. To amend section 2-3A-7, Code of Alabama 1975, to authorize the Alabama Agricultural Development Authority to invest its funds in additional ways.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Mitchem:

S. 502. To amend section 41-4-132, Code of Alabama 1975, relating to public printing and binding, so as to change the length of contracts for such printing and binding from two years to one year.

Committee on Governmental Affairs.

By Mr. Mitchem:

S. 503. To amend further section 41-16-100 of the Code of Alabama 1975, as amended, so as to provide for trade-in of certain state property by the state financial director.

Committee on Governmental Affairs.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 77. CREATING A JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE THE POTENTIAL EFFECT ON THE COST OF HOSPITALIZATION AND THE PROVISION OF HEALTH CARE IN ALABAMA IF A FOREIGN CORPORATION PURCHASES A CONTROLLING INTEREST IN A CORPORATION OWNING OR OPERATING HOSPITALS IN ALABAMA.

Also:

S. J. R. 86. COMMENDING U.A.B. BASKETBALL TEAM.

Also:

S. J. R. 87. COMMENDING MISS TERRI DeVANE FOR BEING CHOSEN 1981 ALABAMA TEXTILE QUEEN.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF RESOLUTIONS

The President of the Senate in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 134. DESIGNATING THE FIRST WEEK IN JUNE, EACH YEAR, AS "ALABAMA GARDEN WEEK" IN OUR STATE.

Also:

H. J. R. 135. NAMING THE LIBRARY AT TUSCALOOSA COUNTY HIGH SCHOOL, THE "LURLEEN B. WALLACE MEMORIAL LIBRARY."

Also:

H. J. R. 136. RECOGNIZING BILLY JACKSON FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 137. RECOGNIZING KEN JOHNSON FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

COMMUNICATION FROM THE STATE SUPERINTENDENT  
OF EDUCATION

To The Senate  
Alabama State Legislature  
Montgomery, Alabama

In compliance with Article XIV, Section 264, Constitution of Alabama of 1901, and Section 16-47-30, Code of Alabama 1975, I hereby certify to the Senate of Alabama that the following persons have been elected as members of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution on October 26, 1979, and that their election was retified and reaffirmed by the Board on June 11, 1980:

NAME	ADDRESS	DISTRICT	EXPIRATION OF TERM
T. Massey Bedsole	Mobile, AL	First	1991
Martha H. Simms	Huntsville, AL	Fifth	1987
Thomas E. Rast	Birmingham, AL	Sixth	1983
Samuel Earle G. Hobbs	Selma, AL	Seventh	1991

Respectfully submitted,

WAYNE TEAGUE,  
Superintendent of Education

Sworn to and subscribed  
before me on this 18th  
day of March, 1981.

GLORIE M. BONNER,  
Notary Public.

COMMUNICATION FROM SUPERINTENDENT OF EDUCATION

The foregoing Communication from the Superintendent of Education, relative to appointments to the Board of Trustees to the University of Alabama, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Moore:

H. J. R. 153. HONORING JUDGE JAMES HUGHSTON SHARBUTT UPON HIS RETIREMENT FROM THE ALABAMA JUDICIARY.

Also:

By Rep. Moore:

H. J. R. 154. MOURNING THE DEATH OF VIRGINIA LEE STALLWORTH SHARBUTT.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolutions, H. J. R.'s 153 and 154, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Parker:

H. J. R. 152. HONORING MARISA GARDNER OF CHICKASAW, ALABAMA, FOR HER CONTRIBUTION TO ENVIRONMENTAL EDUCATION.

Also:

By Rep. Payne:

H. J. R. 151. COMMENDING THE PINSON VALLEY WRESTLING TEAM FOR WINNING ITS SECOND STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Figures, the Rules were suspended and the Resolution, H. J. R. 152, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 151, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bedsole, Roberts, Dixon, and Johnson (R. G.):

H. J. R. 70. URGING GOVERNOR FOB JAMES TO ENTER INTO A CONFERENCE WITH OTHER GOVERNORS AND THE FEDERAL GOVERNMENT FOR ALABAMA PARTICIPATION IN THE DEVELOPMENT AND ESTABLISHMENT OF A REGIONAL COMPACT FOR LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.

WHEREAS, The Alabama Legislature recognizes that the management and the transportation, storage and disposal of low-level radioactive wastes in a safe and efficient manner is directly related to the health and welfare of every citizen of this state; and

WHEREAS, this body recognizes the many benefits in medicine, energy and science that result from the correct use of certain materials which generate low-level radioactive waste; and

WHEREAS, the complex area of safe and efficient management of such wastes is being probed and diligently studied by each state and the United States Government; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do urge Governor Fob James to enter into a conference with other governors and the federal government for Alabama's participation on a cooperative basis in the development and establishment of a regional compact for the safe and efficient management of low-level radioactive waste and related matters, in order to protect the health and welfare of our citizens.

RESOLVED FURTHER, That the Alabama Legislature respectfully requests that Governor Fob James apprise, in writing, the presiding officer of each house the progress and findings in such conference or meetings with party states within ten days after such conference or meeting in order for the appropriate legislative committees to respond.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution forthwith to The Honorable Fob James, Governor of the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 70, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bedsole, Roberts, Dixon and Johnson (R. G.):

H. J. R. 69. MEMORIALIZING THE UNITED STATES CONGRESS TO CONSENT TO ALABAMA AND THE VARIOUS STATES ENTERING INTO REGIONAL COMPACTS OR AGREEMENTS TO RESOLVE PROBLEMS RELATED TO LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.

WHEREAS, the Alabama Legislature has diligently studied during the last two years the complex facets of the management, transportation, storage and disposal of radioactive low-level wastes, and has taken testimony from many experts and inspected many facilities therefor; and

WHEREAS, the critical area of the safe and efficient management, transportation, storage and disposal of such wastes directly affects the health and welfare of every citizen of Alabama and indeed all citizens of the United States of America; and

WHEREAS, the 96th Congress in its Second Session, November 20, 1980, did enact legislation authorizing the various states to enter into regional compacts, over five-year periods, to cooperatively manage certain types of low-level waste and excluding others; and

WHEREAS, the Secretary of the Department of Energy is directed to report to the Congress and each state, thereby enabling the various states to respond to the regional disposal concept contained in said legislation, and to consult therefor with the Governors of the States, among others; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That this body does memorialize the Congress to consent to Alabama and the several states entering into regional compacts or agreements, consistent with the federal legislation enacted November 20, 1980, (appearing in the Congressional Record, Vol. 126, No. 177, December 13, 1980), to explore the safe and efficient management of low-level radioactive waste disposal on a regional basis.

BE IT FURTHER RESOLVED, That the Secretary of the Department of Energy is respectfully requested to report to the Honorable Fob James, Governor of the State of Alabama, and the presiding officer of each house of the Alabama Legislature of the progress and developments in establishing the guides, policy and framework whereby two or more states may cooperate as party states in resolving the problems related to low-level radioactive wastes and acknowledge by compact their respective responsibilities therefor.

RESOLVED FURTHER, That a copy of this Resolution shall be sent forthwith to the Alabama Congressional delegation, the Presiding Officer of both Houses of Congress, the Secretary of the United States Department of Energy, the National Conference of State Legislatures, and the Honorable Fob James, Governor of the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 69, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 154. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Denton, the Senate non-concurred in the following House amendment to the Bill, S. B. 154, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE JUDICIARY COMMITTEE  
SUBSTITUTE FOR S. B. 154

A BILL  
TO BE ENTITLED  
AN ACT

To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when approved by a majority of qualified electors voting thereon and upon proclamation of the Governor.

PROPOSED AMENDMENT

Revenue bonds or other revenue securities at any time issued by a county for the purpose of extending, enlarging or improving any water, sewer, gas or electric system then owned by such county shall not be deemed to constitute bonds or indebtedness of such county within the meaning of Sections 222, 224 or Amendment No. 342 of this Constitution, if by their terms such bonds or other securities are not made a charge on the general credit or tax revenues of the issuing county and are made payable solely out of revenues derived from the operation of any one or more of such systems.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

and requested a Committee on Conference.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith
Barron	Hall	Little	Taylor
Britnell	Higginbotham	Miller	Vacca
Cook	Holmes	Parsons	Weeks
Denton	Keener	Robertson	White
Goodwin			

—20

Nays:

—0



And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Denton, Pearson, and Cook.

### RESOLUTIONS

Messrs. Goodwin and Robertson offered the following Senate Joint Resolution, to-wit:

**S. J. R. 93. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. PATRICK H. PETTWAY OF GREENE COUNTY, ALABAMA.**

WHEREAS, the Legislature of Alabama has grievously noted the untimely death of Mr. Patrick H. Pettway who was tragically killed on March 3, 1981, at the age of just 57 years; and

WHEREAS, a native of Camden in Wilcox County, Alabama, he was the son of the late Mr. and Mrs. Robert Pettway; he was educated in the public schools of Wilcox County and at Knoxville College in Knoxville, Tennessee, Livingston University and Alabama State University; and

WHEREAS, he was faithful in stewardship to the St. Paul Baptist Church of Boligee, having first accepted Christ as his Saviour as a youth when he united with the Presbyterian Church, U.S.A., in Wilcox County; and

WHEREAS, a United States Army veteran, he moved to Greene County in 1950 and began a long and meritorious career in public education as an instructor and coach; at the time of his death, he was serving as Athletic Director, Head Football Coach and Assistant Basketball Coach at Paramount High School in Boligee; and

WHEREAS, he was a devoted husband and father and, to the hundreds of boys and girls who came under his tutelage, he was teacher, mentor and friend, giving unselfishly in service to his profession; and

WHEREAS, he was a member of numerous professional associations and also actively involved with a number of civic and community organizations as well; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we are deeply saddened by the death of Mr. Patrick H. Pettway and extend our most heartfelt sympathy to his family and to all those who deeply grieve in his loss.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be sent to his wife, Mrs. Nellie O. Pettway, that she and their children and other family members may know of our care and concern for them in this time of great sorrow; a copy shall also be provided for appropriate display at Paramount High School.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Robertson and Goodwin offered the following Senate Joint Resolution, to-wit:

**S. J. R. 94. DESIGNATING PROFESSIONAL SECRETARIES WEEK AND PROFESSIONAL SECRETARIES DAY IN ALABAMA.**

WHEREAS, the Legislature of Alabama is cognizant that today's office is increasingly dependent upon the professional secretary's technical skill, knowledge and decision-making capability; and

WHEREAS, to meet the challenge of these rapidly changing times, a professional secretary must possess an unbelievably wide range of office skills, have the ability to assume responsibility and make decisions, and be able to exercise initiative and sound judgment; and

WHEREAS, in actuality, a secretary is an executive assistant whose calling is professional in nature and whose responsibilities reflect the importance of her role in today's society; and

WHEREAS, the week of April 19-25, 1981, is the 30th annual observance of National Professional Secretaries Week, and April 22, 1981, is National Professional Secretaries Day, so designated to focus on the importance of such profession and to pay honor to all those dedicated in said pursuit; and

WHEREAS, in concurrence with the purposes of this national observance, the Alabama Legislature also desires to recognize the professional secretaries in Alabama for their dedication and successful contributions to the function of business and government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate April 19-25, 1981, as Professional Secretaries Week, and April 22, 1981, as Professional Secretaries Day, in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Alabama Chapter of the National Secretaries Association in token of our appreciation and high regard.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Robertson and deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 95. DESIGNATING PROFESSIONAL SECRETARIES WEEK AND PROFESSIONAL SECRETARIES DAY IN TUSCALOOSA COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama is cognizant that today's office is increasingly dependent upon the professional secretary's technical skill, knowledge and decision-making capability; and

WHEREAS, to meet the challenge of these rapidly changing times, a professional secretary must possess an unbelievably wide range of office skills, have the ability to assume responsibility and make decisions, and be able to exercise initiative and sound judgment; and

WHEREAS, in actuality, a secretary is an executive assistant whose calling is professional in nature and whose responsibilities reflect the importance of her role in today's society; and

WHEREAS, the week of April 19-25, 1981, is the 30th annual observance of National Professional Secretaries Week, and April 22, 1981, is National Professional Secretaries Day, so designated to focus on the importance of such profession and to pay honor to all those dedicated in said pursuit; and

WHEREAS, in concurrence with the purposes of this national observance, the Alabama Legislature also desires to recognize the professional secretaries in Tuscaloosa County, Alabama, for their dedication and successful contributions to the functions of business and government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate April 19-25, 1981, as Professional Secretaries Week, and April 22, 1981, as Professional Secretaries Day, in Tuscaloosa County, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Tuscaloosa Chapter of the National Secretaries Association in token of our appreciation and high regard.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

#### LOCAL BILLS ON THIRD READING

The Bill:

H. 576. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Cleburne County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Cleburne County; and prescribing the procedure for the collection of such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Miller	Smith	
Bailey	Glass	Mitchem	Taylor	
Barron	Goodwin	Parsons	Teague	
Britnell	Hall	Pearson	Vacca	
Callahan	Hoimes	Proctor	Weeks	
Cook	Little	St. John	White	
Denton	McDonald			—25

Nays:

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 70. COMMENDING THE PATRICIAN ACADEMY SAINTS ON THEIR BASKETBALL CHAMPIONSHIP, DISTRICT II, OF THE ALABAMA PRIVATE SCHOOL ASSOCIATION.

Also:

S. J. R. 71. DESIGNATING MAY 12, 1981, AS "LAW ENFORCEMENT OFFICERS APPRECIATION DAY" IN ALABAMA.

Also:

S. J. R. 76. COMMENDING VERN SCOTT ON HIS MANY PUBLIC ENDEAVORS AND DECLARING MARCH 20, 1981 AS "VERN SCOTT DAY" IN THE STATE OF ALABAMA.

Also:

S. J. R. 78. COMMENDING MRS. ELIZABETH JOHNSON FOR OUTSTANDING SERVICE WITH THE AMERICAN RED CROSS AND AS PIKE COUNTY'S WOMAN OF THE YEAR.

Also:

S. J. R. 79. CONGRATULATING AND COMMENDING CHARLES HENDERSON HIGH SCHOOL, STATE 3A 1980 FOOTBALL CHAMPIONS.

Also:

S. J. R. 80. COMMENDING COACH JAY JEFcoat OF CHARLES HENDERSON HIGH SCHOOL, TROY, ALABAMA.

Also:

S. J. R. 81. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL BAND.

Also:

S. J. R. 82. CONGRATULATING THE PATRICIAN ACADEMY STATE FOOTBALL CHAMPIONS, ALABAMA PRIVATE SCHOOL ASSOCIATION.

Also:

S. J. R. 84. HONORING MR. GEORGE LINDSEY.

Also:

S. J. R. 85. HONORING MR. JAMES MURRAY CARTER UPON HIS RETIREMENT FROM THE DEPARTMENT OF INDUSTRIAL RELATIONS.

Also:

S. J. R. 88. COMMENDING THE SIXTH AVENUE BAPTIST CHURCH OF BIRMINGHAM, ALABAMA, ON THE 100th ANNIVERSARY OF ITS FOUNDING.

Also:

S. J. R. 89. COMMENDING FIVE MONROE COUNTY INDUSTRIES FOR DONATING A TOTAL OF \$100,000 TOWARDS THE COST OF A PRELIMINARY STUDY FOR A NEW BRIDGE AT CLAIBORNE OVER THE ALABAMA RIVER.

Also:

S. J. R. 90. POSTHUMOUSLY HONORING VELMA WRIGHT IRONS AS A NATIONALLY RECOGNIZED EDUCATOR AND FOUNDER OF THE FIRST PUBLIC CLASS FOR VISUALLY HANDICAPPED CHILDREN IN THE ALABAMA PUBLIC SCHOOL SYSTEM, AND ENDORSING HER NOMINATION FOR INDUCTION INTO THE ALABAMA WOMEN'S HALL OF FAME.

Also:

S. J. R. 91. COMMENDING THE PINSON VALLEY WRESTLING TEAM FOR WINNING ITS SECOND STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

Also:

S. J. R. 92. EXTENDING WISHES FOR AN EARLY AND COMPLETE RECOVERY FOR OUR COLLEAGUE, REPRESENTATIVE BROOKS HINES.

JOHN W. PEMBERTON,  
Clerk.

#### REPORTS OF COMMITTEES

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Manley:

H. 510. To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to fix the time limits for filing a disclaimer and to provide for the manner of the delivery and filing of the disclaimer; to provide for the form of the disclaimer; to determine the effect of the disclaimer; to provide for waiver and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to ensure that this Act is construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes; to provide for severability of the provisions of this Act; and to provide for a retroactive effective date for the provisions of this Act.

By Mr. St. John:

S. 140. To amend Section 12-16-62, Code of Alabama 1975, relating to exemptions from jury service, so as to exempt certain legislative officers and employees.

By Messrs. Parsons, Robertson, Cook and Hall:

S. 389. To amend further Section 6-5-332, Code of Alabama 1975, relating to liability for civil damages as a result of rendering first aid or emergency care to certain injured persons, so as to include within the protective provisions of that section certain other persons rendering first aid or emergency care.

By Mr. Vacca:

S. 5. To authorize peace officers whose arrest powers are otherwise limited to a particular subdivision or subdivisions to make arrests in other subdivisions of this state in hot pursuit situations; to describe the arrest powers of such officers in hot pursuit situations; to define "hot pursuit"; to provide that this act shall not be construed to limit in any way the arrest powers of any peace officer; and to provide an effective date.

By Mr. Kirkland:

S. 332. To authorize judges, in their discretion, to impose sentences to be served concurrently with sentences imposed by other states; to define "state" for purposes of this act; and to specify the cases to which this act shall apply.

By Messrs. Keener, Mitchem and Bailey:

S. 355. To prescribe the authority and powers of Attorney General's investigators.

By Mr. Little:

S. 185. To amend Section 26-14-1, Code of Alabama 1975, relating to the reporting of abuse or neglect of children, so as to explicitly add the terms "sexual exploitation" or "attempted sexual exploitation" to the definition of child abuse and to explicitly define the terms "sexual abuse" and "sexual exploitation."

By Mr. Teague:

S. 252. To provide that owners of motor vehicles that are leased to other persons shall not be liable for parking violations when the vehicles are not in their possession and provides that said lessors shall notify the clerk of the proper court with the name and address of the lessee.

By Messrs. White, Martin, Lemaster, Callahan, Goodwin, Cook, Hall, Teague, Barron and Kirkland:

S. 273. To delete subsection (d) of section 26-1-1 of the Code of Alabama 1975, which provides, in effect, that the change in the age of majority from "under the age of 21 years" to "under the age of 19 years" does not repeal any provision of chapter 19 of Title 15, the youthful offender provisions.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. White, Robertson, Martin, Lemaster, Callahan, Goodwin, Cook, Hall, Gullledge, Teague, Barron, St. John, Kirkland, Denton and Holmes (With Substitute):

S. 275. To amend Section 12-15-1 of the Code of Alabama 1975, relating to juvenile proceedings, so as to revise the age of juveniles.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Clark (G), et al: (With Amendments):

H. 223. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Britnell:

S. 363. To amend Section 16-9-11, Code of Alabama 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

By Rep. Manley:

H. 84. To amend Section 16-13-146, Code of Alabama 1975, to increase the interest rate which county and city boards of education may pay on current loans secured in accordance with the provisions of Section 16-13-145, Code of Alabama 1975.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 466. To make a conditional appropriation from the Special Education Trust Fund for the fiscal year ending September 30, 1982, to the Diabetic Institute at the University of Alabama in Birmingham.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little (With Substitute) (With Amendment):

S. 10. To establish the Revenue Forecast Control Commission to project anticipated state revenue and to prohibit the legislature from appropriating more than a certain percentage of the projected revenue.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca:

S. 22. To exempt the Our Lady of Angels Monastery, Inc. from the payment of all state, county and municipal sales and use taxes.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Little and McDonald (With Amendment):

S. 96. To provide for a guaranteed minimum starting wage or salary for all county, municipal, or political subdivision law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Martin:

S. 428. To make further provisions for the issuance of obligations by Alabama federal aid highway finance authority by amending article 10 of chapter 1 of Title 23 of the Code of Alabama 1975 so as to provide for the issuance and use of proceeds of obligations of the authority for the purpose of

anticipating and providing for not only the federal share of the cost of constructing interstate and defense highways but also for the purpose of anticipating and providing for the federal share of the costs of constructing state highways to the extent that the said highways constitute primary highways as defined in section 23-1-301; to delete the requirement that obligations be issued only for the purpose of providing funds to pay the federal share of the costs of constructing highway projects qualifying for reimbursement from the United States of America on a nine to one matching basis and to permit obligations of the authority to be issued and proceeds thereof to be expended for payment of any cost of constructing any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the said United States pursuant to the written agreement provided for in this article; to amend section 23-1-300 of the said Code so as to provide that obligations of the authority shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending in 1978 through 1995 (rather than the federal fiscal years 1978 through 1983); to amend section 23-1-301 of the said Code by (i) permitting the issuance of temporary bonds in coupon form, (ii) amending the definition of bond to include refunding bonds issued to refund outstanding obligations, (iii) amending the definition of note by further defining a note as an obligation which recites on its face that it is issued in anticipation of the sale by the authority of bonds and which is payable to the order of a named payee, and (iv) further defining a temporary bond as an obligation issued by the authority which recites on its face that it is issued in anticipation of the sale by the authority of bonds; to amend section 23-1-307 of the said Code by (i) deleting the provision of the said section which provides that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on obligations issued by the authority, and (ii) providing that the authority may from time to time sell and issue refunding bonds for the purpose of refunding any then outstanding obligations of the authority and to provide that the provisions of the said section limiting the aggregate principal amount of bonds to \$212,000,000 shall not apply to refunding bonds; to extend from eight to fifteen years the maximum permissible maturity date of bonds; to delete the requirement of section 23-1-310 of said Code that the bonds be sold only a public sale and at a price at least equal to their face value and to provide that any obligation of the authority may be sold either at public or private sale and at such prices as may be deemed most advantageous by the board of directors, but that none of the obligations may be sold for a price less than 97% of their par or face value; to exempt all obligations issued by the authority from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title of the code of Alabama of 1975; to amend section 23-1-313 of the said Code by (i) deleting the prohibition with respect to the use of the proceeds of obligations of the authority for payment of fees of fiscal agents or financial consultants, and (ii) providing that proceeds of refunding bonds may be used for payment of principal of and interest on any outstanding obligations of the authority and for payment of any redemption premium necessary in order to redeem or retire the said outstanding obligations; to amend section 23-1-314 of the said Code by (i) extending the period for which funds to be received by the state from the United States government may be pledged to the federal fiscal year ending in 1995, and (ii) providing that the said funds received from the federal government during any federal fiscal year should be set aside to pay not only those obligations of the authority which mature during such federal fiscal year but also any obligations which are subject to mandatory redemption by the authority during any such federal fiscal year; and to make certain other clarifying changes and to correct certain typographical errors.



By Rep. Adams (C):

H. 537. To make further provisions for the issuance of obligations by the Alabama Highway Finance Corporation by amending Article 7 of Chapter 1 of Title 23 of the Code of Alabama, 1975, as amended, so as to exempt all obligations issued by the Corporation from the laws of the State governing usury or prescribing or limiting interest rates including but without limitation to the provisions of Chapter 8 of Title 8 of the Code of Alabama, 1975.

By Reps. Williams, Sasser and Daniels:

H. 194. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1982, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Proctor (with notice and proof):

S. 463. Relating to Shelby County: To authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Shelby County, Alabama.

By Mr. Proctor (with notice and proof):

S. 464. Relating to Chilton County: To authorize the Board of Health of said county to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Chilton County, Alabama.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Starkey (with notice and proof)(With Amendment):

H. 575. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year; to provide that the first fee schedule shall also be the fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Shavers and Hall (with notice and proof):

H. 616. Relating to Jackson County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

By Reps. Shavers and Hall (with notice and proof):

H. 617. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Langston in Jackson County.

By Rep. Turner (with notice and proof):

H. 618. To amend Section 1 of Act No. 179, H. 976, 1979 Regular Session (Acts 1979, p. 289), entitled "An Act Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance," so as to provide further for the expense allowances of said circuit clerk and to provide for its retroactive effect.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith:

S. 386. To amend Section 41-6A-3 of the Code of Alabama 1975, which provides for the creation and organization of the Alabama department of energy so as to remove the requirement that the director of the department be a member of the Alabama state employees retirement system; and to make correction in name of system.

By Mr. Smith:

S. 81. To provide that each candidate for nomination to the public office of county commissioner shall have been a citizen of this state and a resident of his respective county for six months next before the date set out for filing of the declaration of candidacy under Section 17-16-11(a) Code of Alabama 1975, as amended to be eligible to hold the office of county commissioner.

By Mr. deGraffenried:

S. 149. Relating to legal expense insurance and to Legal Service Insurance Corporations; creating chapter 42 of Title 27, Code of Alabama 1975, consisting of ss. 27-42-1 through 27-42-23; authorizing organization of legal service insurance corporations, providing for exceptions; providing for public regulation of legal service insurance corporations; providing for deposit or bond; providing policy and certificate form and premium rate requirements; requiring annual reports and making certain provisions of the insurance laws applicable to legal service insurance corporations; providing for registration of contracting sales agents and the reporting and accounting of funds received; providing grounds and procedure for compulsory and discretionary revocation, suspension or refusal of registration for contract sales agents; providing for administrative fine in lieu of suspension or revocation of registration; providing that the act shall not regulate the practice of law or the authority of the Supreme Court of Alabama or State Bar of Alabama; providing an effective date.

By Mr. Bailey:

S. 189. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey (With Amendment):

S. 230. To amend Sections 36-26-16 and 36-26-17 of the Code of Alabama, 1975, so as to increase the number of eligibles an appointing authority may have to consider in filling vacancies by appointment from eligible registers.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald:

S. 324. To authorize certain officials of the state's high schools, colleges, universities, and four-year institutions of higher learning to register eligible students to vote, subject to the approval of the local board of registrars, and to provide that the provisions hereof shall be supplemental to the existing state and local laws regarding voter registration.

By Mr. Britnell:

S. 362. To amend Section 33-15-6 of the Code of Alabama 1975, relating to the powers, duties and functions of the Bear Creek Development Authority, so as to authorize the hiring of park rangers to enforce certain rules and regulations including those of Section 33-15-7(c); to give conservation enforcement officers the same authority; and to give said rangers and officers the power and authority of deputy sheriffs over any property owned or under the jurisdiction of the Bear Creek Development Authority.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Proctor (With Substitute) (With Amendments):

S. 376. To establish the Recreation and Heritage Fund; to define terms used in this Act; to establish the procedures for assisting state, county and municipal agencies in planning, acquiring and developing recreational, historical, cultural and natural resources; and to provide for the administration of the Recreation and Heritage Fund program by the Department of Conservation and Natural Resources.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Manley:

H. 92. Relating to the continued existence and functioning of the State Board of Bar Examiners provided for in Sections 34-3-1 through 34-3-108 of the Code of Alabama 1975, as amended, specifically in Sections 34-3-2 and 34-3-40.

By Rep. Pegues:

H. 93. Relating to the continued existence and functioning of the Board of Dental Scholarship Awards provided for in Sections 16-47-76 through 16-47-81 of the Code of Alabama 1975, and as otherwise provided by law.

By Rep. Manley:

H. 94. Relating to the continued existence and functioning of the Board of Medical Scholarship Awards provided for in Sections 16-47-121 through 16-47-129 of the Code of Alabama 1975, and as otherwise provided by law.

By Rep. Hammett:

H. 95. Relating to the continued existence and functioning of the State Pilotage Commission provided for in Sections 33-4-1 through 33-4-57 of the Code of Alabama 1975, and as otherwise provided by law.

By Rep. Cosby:

H. 96. Relating to the continued existence and functioning of the State Real Estate Commission provided for in Sections 34-27-1 through 34-27-38 of the Code of Alabama 1975.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Dial (With Amendments):

H. 97. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$100.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure and require all members of the board to be licensed auctioneers.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Whatley:

H. 98. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Services as provided in Sections 34-13-1 through 34-13-134 and Sections 34-13-150 through 34-13-152 of the Code of Alabama 1975, as amended, with certain modifications; to

amend Sections 34-13-4, 34-13-10, 34-13-23, 34-13-28, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131; and to repeal Section 34-13-30 of the Code of Alabama 1975 so as to: Eliminate the requirement of the board to distribute statutes and regulations each four years and instead distribute only upon request; declare certain violations as misdemeanors and allow appropriate prosecution; provide further clarification concerning travel expenses of the board; require annual reporting to the Governor and to the Legislature instead of to the Secretary of State; authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; distribute directory of licensees only on request instead of annually; lower minimum age and educational requirements for funeral director and embalmer apprentices; require apprentice time to be supervised; and to repeal a provision of law which transferred funds to the board from its predecessor board, the purpose of which has been served.

By Rep. Manley:

H. 99. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners of Mine Personnel as provided in Sections 25-9-9 through 25-9-18, Code of Alabama 1975, as amended, with certain modifications; to amend Sections 25-9-9 and 25-9-10 of the Code of Alabama 1975, so as to: Authorize the board to increase examination fees not to exceed \$20.00; and to authorize per diem for board members up to the maximum allowed for state employees.

By Rep. Pegues:

H. 100. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Polygraph Examiners as provided in Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24, and 34-25-29, Code of Alabama 1975; and to repeal Section 34-25-31 of the Code of Alabama 1975, so as to: Eliminate the requirement that appointees to the board be approved by the senate; remove the board's authority to set travel and expense allowances; authorize the board to set salaries of its employees and hire temporary investigatory employees; provide further for the collection and use of fees of the board; provide for \$50.00 per day plus mileage allowance for board members when meeting; provide same mileage and per diem travel expenses for board members as are paid to state employees; authorize board to determine which expenses of the board are necessary, subject to state bid law; provide board's purchases may be made through state finance department purchasing agency; exempt board from payment of state sales tax; lower age requirement for examiners from 25 to 21; alter the baccalaureate requirement of examiners; to place board on same fiscal year as the state; and to repeal Section 34-25-3, Code of Alabama 1975, which prescribes the type of instrument examiners must use.

By Rep. Dial:

H. 101. Relating to the continued existence and functioning of the Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons provided for in Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, and as otherwise provided by law.

By Rep. Hammett:

H. 102. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Section 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Section 34-29-20, 34-29-23 of the Code of Alabama 1975, so as to: limit board members to two terms; and to provide further for the compensation of board members.

By Rep. Dial:

H. 103. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Speech Pathology and Audiology as provided in Sections 34-28A-1 through 34-28A-44 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-28A-21, 34-28A-23, 34-28A-24 and 34-28A-40 of the Code of Alabama 1975, so as to: Require applicants to pass an examination approved or promulgated by the board; remove requirement of board to maintain permanent records of all examination scores; provide that four (4) board members constitutes a quorum; and delete a waiver of examination provision (grandfather clause) which has served its purpose.

By Rep. Pegues:

H. 105. To terminate the existence and functioning of the State Board of Registration for Sanitarians, and to transfer its training funds or monies, duties and functions to the State Health Department.

By Rep. Hammett:

H. 107. To repeal Sections 10-4-360 through 10-4-364 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Yacht Club Association and to provide for an effective date.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham:

S. 137. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provisions of this act.

By Mr. Higginbotham:

S. 139. To provide that no commercial enterprise or activity shall be maintained, constructed, or located within the right-of-way limits of any highway or bridge on the state highway system whether temporary or permanent, stationary or portable, except utility structures authorized by permit issued by the state highway department; to further provide the penalty for violations.

By Mr. St. John:

S. 299. To amend Section 11-50-15, Code of Alabama, 1975, to authorize an increase in the fees paid to directors of public corporations operating water systems, gas systems, electric systems or combinations of such systems; establishing an effective date.

By Messrs. Teague, Bailey, Smith, Goodwin, Parsons and Taylor:

S. 425. Relating to the reorganization of the Public Service Commission; the creation of the Legislative Oversight Committee on Utilities; creating the Alabama Public Staff Agency to represent consumer interests before the Public Service Commission, Hearing Examiners and the Courts; providing for appointment of the Executive Director of the Agency; providing for the organization, by duties and responsibilities of the Agency; providing further for the regulation of public utilities generally, their rates, service and operations; creating the Office of Hearing Examiners and provides for the appointment, duties and responsibilities of Hearing Examiners; provides for settlement of contested proceedings; and provides for the establishment of related salaries and budgeting.

By Mr. deGraffenried:

S. 429. To name the new wing of the State Oil and Gas Board Building, which is an addition to the present State Oil and Gas Board Building, as "The Philip E. LaMoreaux Center for Environmental Geology and Hydrology Studies"; and to name the library in the present State Oil and Gas Board Building as "The Thomas J. Joiner Earth Science Library".

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Messrs. Holmes, Keener, Britnell, Robertson, Mitchem, Barron, Denton, Lemaster, Harrison, Parsons, Martin, Hall, Gullledge, Vacca and Cook (With Amendment):

S. 106. To amend §40-17-220, Code of Alabama, 1975 to provide that purchases of gasoline, motor fuel and lubricating oil by city and county boards of education shall be exempt from taxation under the levy provided for in § 40-17-220, Code of Alabama, 1975.

By Mr. Little:

S. 188. To amend §16-24-31, Code of Alabama, 1975 as amended, to provide that not more than two members of the state tenure commission may be appointed from any one congressional district.

By Mr. Proctor:

S. 90. To amend Section 40-12-244 of the Code of Alabama 1975 relating to certain exemptions of the state license tax and registration fee so as to include the personal vehicle of each member of emergency medical services, volunteer fire departments and rescue squads.

By Mr. Proctor:

S. 99. To provide that any adult who is convicted of any felonious sexual offense upon a minor under the age of 16 shall not be eligible for parole.

By Mr. Weeks:

S. 292. To amend Section 27-15-11, Code of Alabama, 1975, which relates to the reinstatement of lapsed life insurance policies, so as to make the maximum interest rate on amounts of overdue premiums and other indebtedness to the insurer, payable upon reinstatement, the same as the interest rate on policy loans as specified in the policy in accordance with Section 27-15-8, Code of Alabama, 1975.

By Mr. Weeks:

S. 383. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the alcoholic beverage control board; to prohibit and make unlawful delivery of alcoholic beverages from without the state to within the state, except to the Alabama alcoholic beverage control board and its licensed manufacturers, importers, wholesalers and to warehouses; to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

By Messrs. Mitchem, Smith, Goodwin and Denton:

S. 123. To make a supplemental appropriation for the use of the State Department of Corrections for payment to the several counties for a portion of expenses incurred for the housing and confinement of state prisoners in county jails and to make such appropriation conditional upon the condition of the State General Fund and upon the approval of the Governor.

By Mr. Mitchem:

S. 278. To amend Section 8-17-85, Code of Alabama 1975, by raising annual permit fees from \$1.00 to \$10.00.

#### MOTIONS IN WRITING

Mr. Miller offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 43, on page 10 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 43, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Miller then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 91, on page 56 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 91, referred to the Standing Committee on Rules for placement on the Consent Calendar.



CONSENT CALENDAR  
BILLS ON THIRD READING RESUMED

The Bill:

S. 106. To amend § 40-17-220, Code of Alabama, 1975 to provide that purchases of gasoline, motor fuel and lubricating oil by city and county boards of education shall be exempt from taxation under the levy provided for in §40-17-220, Code of Alabama, 1975.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 106, to-wit:

## COMMITTEE AMENDMENT TO S. B. 106

Amend Senate Bill 106, Page 2, Section 3, Line 36, to read as follows:

Section 3. This Act shall become effective immediately upon the first day of the second month following its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	McDonald	Smith	
Bailey	Holmes	Miller	Teague	
Britnell	Kirkland	Mitchem	Vacca	
Denton	Lemaster	Parsons	Weeks	
Glass	Little	Robertson	White	
Hall				—20

*Nays:* —0

On motion of Mr. Denton, the Rules were suspended and he was granted permission to withdraw his name as co-sponsor of the above Bill.

And said Bill, S. B. 106, as thus amended, was read a third time at length and passed, and ordered and sent forthwith to the House without engrossment.

Yeas 17; Nays 10.

*Yeas:*

Messrs.:	Harrison	Martin	Pearson	
Bailey	Holmes	McDonald	Robertson	
Britnell	Keener	Miller	Smith	
Glass	Kirkland	Mitchem	Taylor	
Hall	Lemaster			—17

*Nays:*

Messrs.:	Goodwin	Parsons	Vacca	
deGraffenried	Higginbotham	St. John	White	
Denton	Little	Teague		—10

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Communication from the Superintendent of Education and ordered same returned to the Senate with a favorable report, to-wit:

Certification of election of Mr. T. Massey Bedsole, Mrs. Martha H. Simms, Mr. Thomas E. Rast and Mr. Samuel Earle G. Hobbs to the Board of Trustees of the University of Alabama.

On motion of Mr. McDonald, the election of Mr. Bedsole was confirmed by the Senate.

Yeas 29; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Hall	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Teague
deGraffenried	Keener	Pearson	Vacca
Denton	Kirkland	Proctor	White
Figures	Lemaster		

—29

*Nay:* Mr. Hilliard. —1

On motion of Mr. McDonald, the election of Mrs. Simms was confirmed by the Senate.

Yeas 25; Nays 1.

*Yeas:*

Messrs.:	Gulledge	McDonald	St. John
Bailey	Hall	Miller	Smith
Barron	Holmes	Mitchem	Taylor
Cook	Keener	Parsons	Teague
deGraffenried	Lemaster	Proctor	Vacca
Denton	Little	Robertson	White
Goodwin	Martin		

—25

*Nay:* Mr. Hilliard. —1

On motion of Mr. Cook, the election of Mr. Rast was confirmed by the Senate.

Yeas 25; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Martin	St. John
Bailey	Gulledge	McDonald	Smith
Barron	Higginbotham	Miller	Taylor
Britnell	Holmes	Mitchem	Teague
Cook	Keener	Proctor	Vacca
deGraffenried	Lemaster	Robertson	Weeks
Denton	Little		

—25

*Nay:* Mr. Hilliard. —1

On motion of Mr. Goodwin, the election of Mr. Hobbs was confirmed by the Senate.

Yeas 26; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Little	Smith	
Bailey	Gulledge	Martin	Taylor	
Barron	Harrison	Miller	Teague	
Britnell	Higginbotham	Mitchem	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Keener	Robertson	White	
Denton	Lemaster	St. John		—26

*Nay:* Mr. Hilliard.

—1

### RESOLUTION

Mr. White offered the following Senate Joint Resolution, to-wit:

S. J. R. 96. TO REQUEST A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$1.2 MILLION IN STATE FUNDS TO THE DEPARTMENT OF PENSIONS AND SECURITY FOR THE SPECIFIC PURPOSE OF DEVELOPING AN ADEQUATE DATA PROCESSING SYSTEM FOR THE AGENCY'S PUBLIC ASSISTANCE PROGRAMS.

WHEREAS, the state Department of Pensions and Security's lack of a sufficient data processing capability results in increased cost to the state and its taxpayers through uneconomical use of manpower and mistakes in payments and eligibility determination, and

WHEREAS, improvements in the agency's data processing system would result in reduced errors and lower costs for public welfare, increased detection of welfare fraud, improved efficiency and productivity among social workers, and provision of more accurate and timely benefits to recipients; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we hereby respectfully request the Governor of the State of Alabama to release immediately a \$1.2 million dollar supplemental appropriation to the Department of Pensions and Security for the purpose of developing an adequate Data Processing System.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

### MOTIONS IN WRITING

Mr. Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 276, on page 68 of the 12th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 276, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Martin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 181, on page 18 of the 12th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 181, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Martin then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 180, on page 17 of the 12th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 180, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### RESOLUTION

Mr. Parsons offered the following Senate Resolution, to-wit:

S. R. 97. COMMENDING JUANITA AND ARMOND CRAWLEY, OWNERS OF THE ICEBERG RESTAURANT IN HUEYTOWN, ALABAMA.

Which was adopted.

#### CONSENT CALENDAR

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 188. To amend §16-24-31, Code of Alabama, 1975 as amended, to provide that not more than two members of the state tenure commission may be appointed from any one congressional district.

was taken up.

On motion of Mr. Little, the Rules were suspended and further consideration of the Bill, S. B. 188, was postponed until the next Legislative Day.

The Bill:

S. 90. To amend Section 40-12-244 of the Code of Alabama 1975 relating to certain exemptions of the state license tax and registration fee so as to include the personal vehicle of each member of emergency medical services, volunteer fire departments and rescue squads.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 2.

Yeas:

Messrs.:	Hall	McDonald	Smith
Britnell	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Teague
deGraffenried	Kirkland	Pearson	Vacca
Figures	Lemaster	Proctor	Weeks
Gulledge	Little	Robertson	

The Bill:

S. 99. To provide that any adult who is convicted of any felonious sexual offense upon a minor under the age of 16 shall not be eligible for parole.

was taken up.

On motion of Mr. Proctor, the Rules were suspended and he was granted permission to offer the following substitute for the Bill, S. B. 99, to-wit:

# SUBSTITUTE FOR S. B. 99

## A BILL TO BE ENTITLED AN ACT

To provide that any adult who is convicted of any felonious sexual offense upon a minor under the age of 16 shall not be eligible for parole.

Be It Enacted by the Legislature of Alabama:

Section 1. Any adult who is convicted of a felonious sexual offense upon a minor under the age of 16 may upon conviction and if recommended by the jury serve such sentence as may be imposed without benefit of parole, notwithstanding any law to the contrary.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 1.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John
Bailey	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Cook	Harrison	Miller	Teague
deGraffenried	Higginbotham	Mitchem	Vacca
Denton	Holmes	Proctor	White
Glass	Keener	Robertson	

—26

Nay: Mr. Pearson.

—1

## MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 154. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Pegues, Sasser and Shoemaker.

JOHN W. PEMBERTON,  
Clerk.

FURTHER CONSIDERATION OF S. B. 99

The Senate proceeded to further consideration of the Bill, S. B. 99, as amended by the substitute.

On motion of Mr. St. John, the Rules were suspended and he was granted permission to offer the following amendment to the Bill, S. B. 99, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 99, AS AMENDED

Amend Senate Bill No. 99 as substituted Page 1 Line 24, by striking out the words "and if recommended by the jury"

Which was adopted.

Yeas 23; Nays 1.

*Yeas:*

Messrs.:	Glass	Lemaster	Proctor
Bailey	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Cook	Higginbotham	Mitchem	Taylor
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	White

—23

*Nay:* Mr. Figures.

—1

And said Bill, S. B. 99, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Britnell	Hall	Martin	Smith
Cook	Harrison	Miller	Taylor
deGraffenried	Higginbotham	Mitchem	Vacca
Denton	Holmes	Parsons	White
Figures	Keener	Proctor	

—26

*Nays:*

—0

REPORT OF COMMITTEE OF CONFERENCE

SENATE BILL 154

We the Committee of Conference appointed to reconcile the differences between the two houses concerning the bill, Senate Bill 154, have met and report as follows:

Said Conference Committee has reached an agreement and accepts the House Substitute for Senate Bill 154.

Submitted respectfully,  
SENATOR BOBBY DENTON,  
Chairman.

SENATOR DOUG COOK,  
SENATOR J. RICHMOND PEARSON,  
REPRESENTATIVE LEIGH PEGUES,  
REPRESENTATIVE JAMES SASSER,  
REPRESENTATIVE WALLACE SHOEMAKER.

March 18, 1981

#### CONFERENCE REPORT

On motion of Mr. Denton, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 154. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Pearson
Bailey	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Cook	Higginbotham	Miller	Teague
Denton	Holmes	Mitchem	Weeks
Figures	Keener		

—21

*Nays:*

—0

#### CONSENT CALENDAR

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 292. To amend Section 27-15-11, Code of Alabama, 1975, which relates to the reinstatement of lapsed life insurance policies, so as to make the maximum interest rate on amounts of overdue premiums and other indebtedness to the insurer, payable upon reinstatement, the same as the interest rate on policy loans as specified in the policy in accordance with Section 27-15-8, Code of Alabama, 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Barron	Denton	Glass
Bailev	Cook	Figures	Goodwin

Gulledge	Holmes	Mitchem	Taylor	
Hall	Keener	Pearson	Weeks	
Harrison	Little	Robertson		—18
Nays:				—0

### MOTIONS IN WRITING

Mr. Hall offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 369, on page 73 of the 12th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 369, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Hall then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 266, on page 28 of the 12th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 266, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### CONSENT CALENDAR

### BILLS ON THIRD READING RESUMED

The Bill:

S. 383. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the alcoholic beverage control board; to prohibit and make unlawful delivery of alcoholic beverages from without the state to within the state, except to the Alabama alcoholic beverage control board and its licensed manufacturers, importers, wholesalers and to warehouses; to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

was taken up.

On motion of Mr. Weeks, the Rules were suspended and further consideration of the Bill, S. B. 383, was postponed until the next Legislative Day.

The Bill:

S. 123. To make a supplemental appropriation for the use of the State Department of Corrections for payment to the several counties for a portion of expenses incurred for the housing and confinement of state prisoners in county jails and to make such appropriation conditional upon the condition of the State General Fund and upon the approval of the Governor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Figures	Hall	Holmes
Bailey	Glass	Harrison	Lemaster
Barron	Goodwin	Higginbotham	Little



Martin	Robertson	Taylor	Weeks	
Miller	Smith	Teague	White	
Mitchem				—20

*Nays:* —0

The Bill:

S. 278. To amend Section 8-17-85, Code of Alabama 1975, by raising annual permit fees from \$1.00 to \$10.00.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 1.

*Yeas:*

Messrs.:	Gulledge	Martin	St. John	
Bailey	Harrison	Miller	Smith	
Barron	Higginbotham	Mitchem	Taylor	
deGraffenried	Lemaster	Proctor	Teague	
Figures	Little	Robertson	Vacca	
Goodwin				—20

*Nay:* Mr. Holmes. —1

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 576. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Cleburne County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Cleburne County; and prescribing the procedure for the collection of such assessments.

Also:

H. J. R. 69. MEMORIALIZING THE UNITED STATES CONGRESS TO CONSENT TO ALABAMA AND THE VARIOUS STATES ENTERING INTO REGIONAL COMPACTS OR AGREEMENTS TO RESOLVE PROBLEMS RELATED TO LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.

Also:

H. J. R. 70. URGING GOVERNOR FOB JAMES TO ENTER INTO A CONFERENCE WITH OTHER GOVERNORS AND THE FEDERAL GOVERNMENT FOR ALABAMA PARTICIPATION IN THE DEVELOPMENT AND ESTABLISHMENT OF A REGIONAL COMPACT FOR LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.

Also:

H. J. R. 151. COMMENDING THE PINSON VALLEY WRESTLING TEAM FOR WINNING ITS SECOND STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

Also:

H. J. R. 152. HONORING MARISA GARDNER OF CHICKASAW, ALABAMA, FOR HER CONTRIBUTION TO ENVIRONMENTAL EDUCATION.

Also:

H. J. R. 153. HONORING JUDGE JAMES HUGHSTON SHARBUTT UPON HIS RETIREMENT FROM THE ALABAMA JUDICIARY.

Also:

H. J. R. 154. MOURNING THE DEATH OF VIRGINIA LEE STALLWORTH SHARBUTT.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cooley:

H. 257. To amend section 28-4-115 of the Code of Alabama 1975 so as to provide for a fine of not more than \$5,000.00, or imprisonment for transporting alcoholic beverages or both.

Also:

By Reps. Bennett and Amari:

H. 8. To authorize peace officers whose arrest powers are otherwise limited to a particular subdivision or subdivisions to make arrests in other subdivisions of this state in fresh pursuit situations; to describe the arrest powers of such officers in fresh pursuit situations; to define "fresh pursuit"; to provide that this Act shall not be construed to limit in any way the arrest powers of any peace officer; and to provide an effective date.

Also:

By Rep. Barton:

H. 226. This bill relates to legal expense insurance and to Legal Service Insurance Corporations; creating chapter 42 of Title 27, Code of Alabama, 1975, consisting of ss. 27-42-1 through 27-42-23; authorizing organization of legal service insurance corporations, providing for exceptions; providing for public regulation of legal service insurance corporations; providing for deposit or bond; providing policy and certificate form and premium rate requirements; requiring annual reports and making certain provisions of the insurance laws applicable to legal service insurance corporations; providing

for registration of contracting sales agents and the reporting and accounting of funds received; providing grounds and procedure for compulsory and discretionary revocation, suspension or refusal of registration for contract sales agents; providing for administrative fine in lieu of suspension or revocation of registration; providing that the act shall not regulate the practice of law or the authority of the Supreme Court of Alabama or State Bar of Alabama; providing an effective date.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 257, 8, and 226. To the Committee on Judiciary.

### UNFINISHED BUSINESS

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to further consideration of the Unfinished Business for today, which was the Bill:

H. 297. To define capital offenses; to provide for a sentence of life imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for appellate review of convictions and sentences in cases in which defendants are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions for use in cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary re-interpreted; to provide for severability; to specify the way the act is to be applied if the death penalty provisions of it are declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, § 13-11-1 through § 13-11-9, also codified as § 13A-5-30 through § 13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

The question was on the amendment offered by Mr. Keener, which said amendment is set out in the Journal of the Senate for the Eleventh Legislative Day.

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 23; Nays 8.

*Yeas:*

Messrs.:	Figures	Holmes	Robertson
Barron	Glass	Kirkland	St. John
Callahan	Goodwin	Lemaster	Smith
Cook	Gulledge	McDonald	Taylor
deGraffenried	Harrison	Mitchem	Vacca
Denton	Higginbotham	Proctor	White

*Nays:*

Messrs.:	Hall	Keener	Pearson
Bailey	Hilliard	Little	Teague
Britnell			

—8

Mr. Pearson offered the following amendment to the Bill, H. B. 297, to-wit:

SENATE AMENDMENT TO H. B. 297

Amend House Bill 297, Page 15, Line 37 by striking out the words and numbers, "July 1, 1981." after the word "on" and inserting in lieu thereof the following language:

December 25, 2999.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 154. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

MOTION IN WRITING

Mr. Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 236, on page 42 of the 12th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 236, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF H. B. 297

The Senate proceeded to further consideration of the Bill, H. B. 297. The question was on the amendment offered by Mr. Pearson.

RESOLUTION

Messrs. Holmes, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 98. EXTENDING BEST WISHES TO MRS. DONALD HOLMES AND WISHING HER THE HAPPIEST BIRTHDAY EVER.

Which was adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Biddle:

H. 47. Relating further to health and accident insurance policies issued within this state; to provide further for the consideration of claims by the company issuing said policies and to provide that the insurance company shall pay interest on the unpaid amount of any such claims after a certain period of time from receipt of proof of loss.

Also:

By Rep. Drinkard:

H. 4. To provide for the registration, licensing and regulation of buyers of gold and silver.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 47. To the Committee on Banking and Insurance.

H. B. 4. To the Committee on Commerce, Transportation, and Utilities.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Biddle:

H. 134. To make it unlawful for any person, firm, partnership or corporation to have an unauthorized flashing or rotating blue light operating within a certain distance of the right-of-way of any public street, road or highway and to prescribe penalty for violation.

Also:

By Rep. Biddle:

H. 135. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

Also:

By Rep. Turner:

H. 25. To authorize certain governmental agencies to donate things of value to any voluntary organized fire department or organized rescue squad.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 134. To the Committee on Judiciary.

H. B.'s 135 and 25. To the Committee on Governmental Affairs.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 7. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the legislative council to be the committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 7. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gafford:

H. 484. To amend Section 36-17-16 of the Code of Alabama 1975 so as to provide further for the destruction of cancelled state warrants.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 484. To the Committee on Governmental Affairs.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Kelley:

H. 356. Relating to the Twenty-seventh Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

Also:

By Rep. Letson:

H. 471. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

Also:

By Rep. Waggoner (with notice and proof):

H. 583. To authorize any county of this State having a population of 600,000 or more, according to the 1970 or any succeeding federal decennial census, to reimburse any officer or employee of such county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this act and to establish rules and regulations prescribing the conditions on which payments under this Act shall be made.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 583, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 356. To the Committee on Finance and Taxation.

H. B. 471. To the Committee on Education.

H. B. 583. To the Committee on Local Legislation No. 2.

FURTHER CONSIDERATION OF H. B. 297

The Senate proceeded to further consideration of the Bill, H. B. 297. The question was on the amendment offered by Mr. Pearson.

On motion of Mr. deGraffenried, said amendment was laid on the table.

Mr. Pearson then offered the following amendment to the Bill, H. B. 297, to-wit:

SENATE AMENDMENT TO H. B. 297

Amend House Bill 297, Page 15, Line 37 by striking out the words and numbers, "July 1, 1981." after the word "on" and inserting in lieu thereof the following language:

December 25, 3000.

RESOLUTION

Mr. Proctor offered the following Senate Resolution, to-wit:

S. R. 99. COMMENDING MRS. REBECCA BUCKNER OF SYLACAUGA, ALABAMA.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 167. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION TO SUPPORT PRESIDENT REAGAN'S POSITION WITH REGARD TO THE CURRENT CRISIS IN EL SALVADOR.

WHEREAS, the United States- supported Junta which governs El Salvador is under attack by extremist forces who oppose the government's land-redistribution and nationalization programs; and

WHEREAS, violence and guerrilla warfare have taken their toll in the loss of some 16,000 lives during the past year and one-half, and our own American Embassy in San Salvador has twice been fired upon by attackers wielding automatic rifles; and

WHEREAS, in support of President Duarte of El Salvador, President Reagan has requested of Congress an additional five million dollars in military aid for El Salvador and plans to send military advisors to train government troops in this Central American nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in full agreement with President Reagan's efforts to suppress guerrilla warfare and halt the spread of communism in the Western Hemisphere, we hereby memorialize our Alabama Congressional Delegation to support the President's position with regard to political violence in El Salvador.



BE IT FURTHER RESOLVED, That the Clerk of the House is directed to send a copy of this resolution to each member of our Congressional Delegation in Washington, D. C.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 167, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### FURTHER CONSIDERATION OF H. B. 297

The Senate proceeded to further consideration of the Bill, H. B. 297. The question was on the amendment offered by Mr. Pearson.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Venable:

H. J. R. 166. HONORING MR. JACK THOMPSON FOR SERVICE TO ELMORE COUNTY AS COUNTY AGENT/COORDINATOR.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Harrison, the Rules were suspended and the Resolution, H. J. R. 166, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bennett, Boles, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 169. HONORING STATE REPRESENTATIVE WAYNE COBB.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 169, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 297

The Senate proceeded to further consideration of the Bill, H. B. 297. The question was on the amendment offered by Mr. Pearson.

On motion of Mr. deGraffenried, said amendment was laid on the table.

Mr. Figures offered the following amendment to the Bill, H. B. 297, to-wit:

AMENDMENT TO H. B. 297

Amend House Bill 297, on Page 5, Line 15, by inserting after the word "shall" the following:

"not"

QUORUM CALL REQUESTED

At 5:22 P.M., Mr. Figures requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Messrs.:	Figures	Kirkland	Robertson
Bailey	Gulledge	Lemaster	St. John
Barron	Hall	Little	Smith
Britnell	Harrison	Martin	Taylor
Cook	Higginbotham	McDonald	Vacca
deGraffenried	Holmes	Mitchem	White
Denton	Keener	Pearson	

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FURTHER CONSIDERATION OF H. B. 297

The Senate proceeded to further consideration of the Bill, H. B. 297. The question was on the amendment offered by Mr. Figures.

MOTIONS TO ADJOURN LOST

At 7 o'clock P.M., Mr. St. John moved that the Senate adjourn until Tuesday, March 24, 1981, at 12:01 A.M.

Mr. Miller offered a substitute motion that the Senate adjourn until Tuesday, March 24, 1981, at 8 o'clock A.M., which motion was lost.

Yeas 9; Nays 19.

Yeas:

Messrs.:	Hall	Miller	Pearson
Bailey	Hilliard	Parsons	Teague
Figures	Keener		

—9

*Nays:*

Messrs.:	Denton	Lemaster	St. John
Barron	Goodwin	Little	Smith
Callahan	Gulledge	Mitchem	Taylor
Cook	Harrison	Proctor	Vacca
deGraffenried	Holmes	Robertson	White

—19

Mr. Teague offered a substitute motion that the Senate adjourn until Tuesday, March 24, 1981, at 7 o'clock A.M., which motion was lost.

Yeas 8; Nays 22.

*Yeas:*

Messrs.:	Hilliard	Miller	Pearson
Bailey	Keener	Parsons	Teague
Figures			

—8

*Nays:*

Messrs.:	Denton	Little	St. John
Barron	Goodwin	Martin	Smith
Britnell	Gulledge	McDonald	Taylor
Callahan	Harrison	Mitchem	Vacca
Cook	Holmes	Proctor	White
deGraffenried	Lemaster	Robertson	

—22

The question then recurred on the motion of Mr. St. John, that the Senate adjourn until Tuesday, March 24, 1981, at 12:01 A.M., which motion was lost.

Yeas 13; Nays 16.

Messrs.:	Gulledge	Robertson	Vacca
Bailey	Lemaster	St. John	White
deGraffenried	Mitchem	Smith	
Denton	Proctor		
Goodwin			

—13

*Nays:*

Messrs.:	Figures	Keener	Parsons
Barron	Harrison	Little	Pearson
Britnell	Hilliard	Martin	Taylor
Callahan	Holmes	Miller	Teague
Cook			

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## FURTHER CONSIDERATION OF H. B. 297

The Senate proceeded to further consideration of the Bill, H. B. 297. The question was on the amendment offered by Mr. Figures.

## MOTION TO ADJOURN LOST

At 8:04 P.M., Mr. St. John moved that the Senate adjourn until Tuesday, March 24, 1981, at 12:02 A.M., which motion was lost.

REGULAR SESSION  
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Yeas 14; Nays 16.

*Yeas:*

Messrs.:	Denton	Mitchem	Smith	
Bailey	Gulledge	Proctor	Vacca	
Callahan	Harrison	Robertson	White	
deGraffenried	Martin	St. John		—14

*Nays:*

Messrs.:	Hall	Lemaster	Parsons	
Barron	Hilliard	Little	Pearson	
Britnell	Holmes	McDonald	Taylor	
Cook	Keener	Miller	Teague	
Figures				—16

FURTHER CONSIDERATION OF H. B. 297

The Senate proceeded to further consideration of the Bill, H. B. 297. The question was on the amendment offered by Mr. Figures.

MOTION TO ADJOURN

At 8:07 P.M., Mr. St. John moved that when the Senate adjourns today, that it adjourn to meet again on Tuesday, March 24, 1981, at 12:15 A.M., which motion was adopted.

Yeas 19; Nays 12.

*Yeas:*

Messrs.:	Denton	Little	St. John	
Barron	Goodwin	Martin	Smith	
Callahan	Gulledge	Mitchem	Teague	
Cook	Harrison	Proctor	Vacca	
deGraffenried	Holmes	Robertson	White	—19

*Nays:*

Messrs.:	Hall	Lemaster	Parsons	
Bailey	Hilliard	McDonald	Pearson	
Britnell	Keener	Miller	Taylor	
Figures				—12

ADJOURNMENT

At 8:10 P.M., on motion of Mr. McDonald, in accordance with Motion and Joint Resolution heretofore adopted, and pending further consideration of the Bill, H. B. 297, the Senate adjourned until Tuesday, March 24, 1981, at 12:15 A.M.

## THIRTEENTH LEGISLATIVE DAY

TUESDAY, MARCH 24, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan Presiding.

## PRAYER

The Session was opened with prayer by the Reverend Dr. Dick Duncan, Odenville Presbyterian Church, Odenville, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twelfth Legislative Day was approved by the Senate.

## MOTION TO POSTPONE LOST

Mr. St. John moved that consideration of all Bills on the Consent Calendar for today be postponed until the next Legislative Day, which motion was lost.

RESOLUTION

Mr. Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 100. HONORING MR. CHARLES W. BECKER UPON HIS RETIREMENT AS ASSISTANT TO THE COMPTROLLER OF THE STATE OF ALABAMA.

WHEREAS, the retirement on March 31, 1981, of Mr. Charles W. Becker culminates a distinguished career in state service for more than 28 years; and

WHEREAS, a graduate of Bryant High School in his native New York City, Mr. Becker attended City College in New York for four years, enrolled in the School of Business Administration, and received his accounting certificate from the University of Alabama in 1954; and

WHEREAS, Mr. Becker is a veteran of World War II, discharged in 1946 following three years service in the United States Army Air Corps; and

WHEREAS, an active member of Montgomery's Saint Bede's Catholic Church, Mr. Becker also is involved in numerous charitable and civic affairs of his community; and

WHEREAS, Mr. Becker's longtime and loyal public employment began in 1952 with the State Board of Corrections; he joined the Comptroller's Office in 1958 where he has since remained, conscientiously performing his duties in a responsible manner and with extraordinary capability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Charles W. Becker as a dedicated employee of the State of Alabama and sincerely wish him continued success in all future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Becker in token of our deep appreciation and high regard.

On motion of Mr. Barron, the Rules were suspended and the Resolution, S. J. R. 100, was adopted by the Senate.

MOTION IN WRITING

Mr. Britnell offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 362, on page 89 of the 13th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 362, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Britnell offered the following Senate Resolution, to-wit:

S. R. 101. CONGRATULATING COLBERT COUNTY HIGH SCHOOL, STATE 3A BASKETBALL CHAMPIONS.

Which was adopted.

## LOCAL BILLS ON THIRD READING

The Bill:

S. 463. Relating to Shelby County: To authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Shelby County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:  
Bailey  
Barron  
Britnell  
Cook  
Denton  
Figures

Glass  
Goodwin  
Gulledge  
Hall  
Hilliard  
Holmes  
Keener

Little  
Miller  
Mitchem  
Parsons  
Proctor  
St. John

Smith  
Taylor  
Teague  
Vacca  
Weeks  
White

—25

Nays:

—0

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Weeks (with notice and proof):

S. 504. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Banks, in Pike County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 504, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. Little, Proctor, Hall, Robertson and Cook:

S. 505. To exempt the American Lung Association of Alabama, the American Lung Association of Southwest Alabama and the Jefferson-Shelby Lung Association from all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Higginbotham (with notice and proof):

S. 506. To exempt the Chattahoochee Valley Hospital Society from the payment of all county and municipal sales and use taxes.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 506, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. Little and Higginbotham (with notice and proof):

S. 507. Relating to Chambers County; providing for an additional allowance for election officials who work at polling places.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 507, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. Little and Higginbotham (with notice and proof):

S. 508. Relating to Lee County; providing for an additional allowance for election officials who work at polling places.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 508, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hall (with notice and proof):

S. 509. Relating to Blount County; providing for the method of electing the county superintendent of education.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 509, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Higginbotham:

S. 510. To prescribe that all public school systems shall allow official recruiting representatives of the armed or military forces of the United States or of the state reasonable access to their facilities and students for the purpose of presenting recruiting programs, administering tests, and generally informing students on occupational and educational options.

Committee on Education.

By Mr. Hilliard (with notice and proof):

S. 511. To exempt the Birmingham-Jefferson County Transit Authority from the duty to pay state, county, and municipal taxes.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 511, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.



By Mr. Hilliard (with notice and proof):

S. 512. Relating to Class I municipalities having populations of not less than 300,000 or more according to the 1970 and any subsequent decennial census: To create a municipal racing commission for the regulation, licensing, qualification for licensing, and supervision of dog racing, and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the municipality on the question of whether the act will become effective in the municipality; to provide for the term during which the members of said racing commission shall hold office; to provide for the method of appointing the members of said racing commission and the qualifications of said members; to authorize the employment by said racing commission of special legal counsel in addition to representation by the office of the city attorney; to prohibit members of said racing commission from making political contributions; to provide for the severability of the parts, sections and provisions of said act.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 512, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Parsons:

S. 513. Relating to the functions of the Alabama Board of Funeral Services to amend Sections 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131, Code of Alabama 1975, so as to authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; allow board to increase annual renewal fees for funeral directors and embalmers up to \$25.00 and up to \$100.00 for operators; provide penalties of up to \$25.00 for lapsed licenses; allow board to increase application fees for funeral directors and embalmers up to \$100.00; require board to charge \$75.00 for second or subsequent inspections of prospective licensed establishments; allow board to increase application fee for funeral establishments up to \$300.00; lower minimum age and educational requirements for funeral director or embalmer apprentices; allow the board to increase apprentice fees up to \$20.00; and to require apprentice time to be supervised.

Committee on Governmental Affairs.

By Mr. Cook:

S. 514. To provide further for the election of the directors of any waterworks board incorporated under Title 11, Chapter 50, Article 8, Code of Alabama 1975, which serves four or more counties.

Committee on Governmental Affairs.

By Mr. Hilliard:

S. 515. To amend Section 40-17-78, Code of Alabama 1975, which provides for the distribution of proceeds from gasoline taxes, so as to provide further for said distribution.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 516. To amend section 24-1-24, Code of Alabama 1975, dealing with housing authorities, so as to provide further for compensation to be paid to commissioners employed by such housing authorities.

Committee on Governmental Affairs.

By Messrs. Callahan and Goodwin:

S. 517. To create the Alabama Indian Affairs Commission; to provide for its duties and membership; to provide the method of appointment and compensation of said members; and repeals Sections 41-9-700 through 41-9-707, Code of Alabama 1975.

Committee on Governmental Affairs.

By Mr. Callahan:

S. 518. This bill provides for the certification of manufactured buildings; to provide for the regulation, administration and enforcement of the provisions of this Act by the Alabama State Fire Marshal and to provide penalties for violations of this Act or any rule or regulation promulgated hereunder.

Committee on Banking and Insurance.

By Mr. Kirkland:

S. 519. To provide for fair dismissal procedures for non-teachers and non-certified employees in the public educational institutions and facilities in the state who are not otherwise covered by the state merit system, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to ensure procedural and substantive due process of law for dismissals for just cause before an impartial tribunal after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for the appointment of a board of hearing examiners and their compensation; and to define the duties, authority, and jurisdiction of a hearing examiner when he or she hears disputes in contract cancellations; and to provide for judicial review of the decisions of the hearing examiner.

Committee on Education.

## RESOLUTION

Mr. White offered the following Senate Joint Resolution, to-wit:

S. J. R. 102. RESCINDING HOUSE JOINT RESOLUTION 132.

Be It Resolved by the Legislature of Alabama, both houses thereof concurring, that House Joint Resolution 132 is hereby rescinded.

Which was read and referred to the Standing Committee on Rules.

## MOTION IN WRITING

Mr. White offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 323, on page 67 of the Thirteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 323, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## REPORTS OF COMMITTEES

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Carothers, Johnson (R. G.), Shoemaker, Roberts, Biddle, Waggoner, Gafford and Bedsole:

H. 213. To abolish the State Licensing Board for the Healing Arts; to transfer all of the powers of the State Licensing Board for the Healing Arts with regard to chiropractors to the State Board of Chiropractic Examiners; and to provide for the transfer of property and assets to the State Board of Medical Examiners for the use of the Medical Licensure Commission.

By Reps. Carothers, Johnson (R. G.), Shoemaker, Roberts, Biddle, Waggoner, Gafford and Bedsole:

H. 214. To create a commission to be known as the Medical Licensure Commission appointed by the Governor, Lieutenant Governor, and Speaker of the House; to set the terms of office of the members of the Commission and stagger those terms; to give the Commission exclusive power and authority to issue, revoke and reinstate all licenses to practice medicine or osteopathy; to give the Commission authority to promulgate reasonable rules and regulations; to require the Commission to receive and consider but not be bound by the recommendation of the State Board of Medical Examiners prior to exercising its authority under this Act; to provide that all personnel and facilities necessary for administration of this Act be furnished by the State Board of Medical Examiners, and to provide that all money, funds, fees, charges, and other receipts provided for in this Act be paid to the State Board of Medical Examiners to carry out the provisions of this Act; to authorize the State Board of Medical Examiners to employ the individuals necessary for assisting the Commission; to give the Commission and the Board power to call upon prosecuting attorneys for assistance without charge; to give an applicant whose application for a certificate of qualification is denied by the Board a right of appeal to the Commission; to provide for appropriate fees to be charged for administration of this Act; to provide that the State Board of Medical Examiners shall have the duty to promote continuing medical education of all licensed physicians and osteopaths and empower the Board to provide funds to any non-profit corporation for the purpose of conducting continuing medical education programs without being bound by competitive bidding laws; to establish the necessary administrative provisions for administration of this Act; to authorize the State Board of Medical Examiners to collect all fees provided for in this Act and require the Board of Medical Examiners to furnish all employees and facilities utilized by the Commission; to provide that the State Board of Medical Examiners shall continue to

collect fees for examination, certificates of qualification, and such other fees as are authorized by law or this Act; to give the Commission authority to seek an injunction against any person engaged in the unlawful practice of medicine or osteopathy; to require that licenses to practice medicine or osteopathy be recorded in the office of judge of probate in the county in which the licensee resides; to provide that any person who practices medicine or osteopathy without having complied with the provisions of this Act and any person who violates any of the provisions of this Act be fined not less than \$500.00 (five hundred dollars) and not more than \$1,000.00 (one thousand dollars), and, in addition, at the discretion of the trial judge may be imprisoned in the county jail for not more than 12 (twelve) months; to provide that each day a person practices medicine or osteopathy without meeting all of the requirements of all laws now in force and of this Act shall constitute a separate offense; to provide that any person filing or attempting to file as his own a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree; to give the Medical Licensure Commission the power and duty to suspend for a specified time to be determined in the discretion of the Commission or revoke a license whenever the licensee is found guilty on the basis of substantial evidence of any of the specified grounds in the Act; to establish acts or offenses which constitute grounds for the Medical Licensure Commission to suspend or revoke licenses to practice medicine or osteopathy; to provide that every physician who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing or by making and filing an annual registration to practice medicine or osteopathy shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations at the direction of the Board or Commission and provide that the physician shall be deemed to have given his consent to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications; to establish procedures by which the State Board of Medical Examiners shall investigate complaints against physicians or osteopaths and make recommendations to the Medical Licensure Commission; to establish procedures by which hearings for suspension or revocation of a license shall be conducted by the Commission; to give the authority to the Commission to temporarily suspend the license of a physician or osteopath without a hearing where the physician's or osteopath's continuation in practice may constitute an immediate danger to his patients or to the public; to provide procedures whereby a physician or osteopath may surrender his certificate of qualification or request in writing that a restriction be placed on his certificate of qualification; to specify the actions that may be taken by the Commission if a physician or osteopath is found guilty of any of the acts, offenses or conditions specified in this Act; to grant subpoena power to the Commission and to the Board; to authorize depositions to be taken on a commission issued by the executive officer of the Commission or by the executive director of the Board; to provide that any order of the Medical Licensure Commission suspending or revoking a license to practice medicine or osteopathy shall have immediate effect and shall not be stayed or held in abeyance by any court; to provide that if a court of competent jurisdiction determines that the Commission acted arbitrarily or capriciously or that the Commission grossly abused its discretion, that the order of the Commission shall be vacated upon issuance of a peremptory writ of mandamus; to provide that the reviewing court shall not itself hear or accept any further evidence with respect to issues of fact determined by the Commission; to provide for the repeal of conflicting laws; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

By Messrs. White, Proctor and Holmes:

S. 459. To amend the "Hazardous Wastes Management Act of 1978" so as to enlarge and prescribe the remedies and civil and criminal penalties for contamination of groundwater or other violations of the Act or the rules and regulations promulgated thereunder and to require that operators of hazardous waste storage or treatment facilities and hazardous waste disposal sites must post bonds or provide other acceptable financial assurances payable to the State of Alabama conditioned upon compliance with the Act and the rules and regulations promulgated thereunder.

By Messrs. Lemaster and Taylor:

S. 294. To prevent a public hospital from granting extra compensation to any officer or employee of the hospital or any contractor from receiving extra compensation after a service has been rendered or a contract made and to prevent an increase or decrease of compensation of officers during a term of office; nor shall a public hospital have authority to lend its credit or grant public money or thing of value to any individual, association, corporation, official, or employee.

By Mr. White:

S. 391. To amend Section 34-9-7 of the Code of Alabama 1975 relating to the licensing and regulation of dentists and dental hygienists so as to further provide that dentists, dental hygienists and other personnel employed by any public health service which performs dental health care for the general public under programs funded in whole or part by the state or federal government shall be subject to all of the provisions of Title 34, Chapter 9 and the rules and regulations duly promulgated by the Board of Dental Examiners governing the practice of dentistry and dental hygiene in this state.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Little:

S. 188. To amend §16-24-31, Code of Alabama, 1975 as amended, to provide that not more than two members of the state tenure commission may be appointed from any one congressional district.

By Mr. Weeks:

S. 383. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the alcoholic beverage control board; to prohibit and make unlawful delivery of alcoholic beverages from without the state to within the state, except to the Alabama alcoholic beverage control board and its licensed manufacturers, importers, wholesalers and to warehouses; to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

By Mr. Goodwin (With Substitute):

S. 117. To amend Sections 2-5-3 and 2-5-4 of the Code of Alabama 1975 so as to raise the per diem of appointive members of the Farmers' Market Authority and to increase the salary of the administrator of the Farmers' Market Authority.

By Messrs. deGraffenried and Robertson:

S. 147. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to remove the limitations of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

By Messrs. deGraffenried and Robertson:

S. 148. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to remove the limitations of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Code of Alabama 1975; to provide an effective date.

By Mr. Figures (With Amendment):

S. 270. To repeal Section 12-12-73 of the Code of Alabama (1975), which presently appears to require a supersedeas bond in order to appeal from District Court to Circuit Court and thereby obtain a trial by jury.

By Mr. Vacca (With Substitute):

S. 144. To amend Sections 11-52-74 and 11-52-77, Code of Alabama 1975, which Sections relate to procedure for adoption of zoning ordinances, so as to provide that a synopsis of any proposed ordinance be published or posted and notice be given of the time and place that the ordinance is to be considered by the municipal legislative authorities and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

By Mr. Vacca (With Amendment):

S. 151. To amend §41-4-156, Code of Alabama, 1975, to add the municipal clerks of incorporated municipalities to the list of persons receiving acts of the Legislature.

By Mr. Teague:

S. 195. To amend Section 32-9-21, Code of Alabama, 1975, which provides for a maximum permissible length for any motor bus driven or operated upon Alabama highways so as to further provide for a maximum permissible width for any such motor bus and to repeal all laws in conflict therewith.

By Mr. Hilliard:

S. 311. To limit the liability of certain persons and organizations that donate and distribute food free of charge.

By Mr. St. John (With Amendment):

S. 65. To reopen the state employees' retirement system for persons who served as sheriff and also as county road commissioner for a prescribed period; to provide that such persons shall be eligible in such retirement system regardless of supernumerary status or status in any other pension

plan; to prescribe the manner that such person shall pay into the retirement system; to provide for the employer's cost; and to prescribe the time for applying for participation in such retirement system.

By Mr. St. John:

S. 108. To require the chief administrative official of each hospital to report to the Alabama State Board of Medical Examiners any disciplinary action taken concerning any physician when such action is related to professional ethics, medical incompetence, moral turpitude, or drug or alcohol abuse; to define disciplinary action; to require the report to be in writing and made within sixty (60) days of the date of the action; to require any professional society of physicians which takes formal disciplinary action against a member to report such action to the Alabama State Board of Medical Examiners when the action taken is related to professional ethics, medical incompetence, moral turpitude or drug or alcohol abuse; to require the report to be in writing and made within sixty (60) days of the action; to provide that any report made pursuant to this act shall be privileged from discovery; and to provide that the individual making the report shall be immune from liability.

By Mr. St. John (With Amendment):

S. 194. To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to fix the time limits for filing a disclaimer and to provide for the manner of the delivery and filing of the disclaimer; to provide for the form of the disclaimer; to determine the effect of the disclaimer; to provide for waiver and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to ensure that this Act is construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes; to provide for severability of the provisions of this Act; and to provide for a retroactive effective date for the provisions of this Act.

By Rep. Owens:

H. 31. To amend Section 32-6-1 of the Code of Alabama 1975, relating to drivers' licenses and the renewal of such licenses, so as to prescribe that the department of public safety shall mail renewal notices to each licensee at least thirty days prior to the expiration date.

By Rep. Gafford:

H. 171. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

## CONSENT CALENDAR

### BILLS ON THIRD READING RESUMED

The Bill:

S. 188. To amend §16-24-31, Code of Alabama, 1975 as amended, to provide that not more than two members of the state tenure commission may be appointed from any one congressional district.

was taken up.

Mr. Kirkland moved that the Rules be suspended and the Bill, S. B. 188, be postponed until the next Legislative Day, which motion was lost.

And said Bill, S. B. 188, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 8.

*Yeas:*

Messrs.:	Hall	Little	Robertson	
Bailey	Harrison	Martin	Smith	
Callahan	Higginbotham	McDonald	Taylor	
Cook	Hilliard	Miller	Teague	
Denton	Keener	Mitchem	Vacca	
Gulledge	Lemaster	Parsons	White	
				—23

*Nays:*

Messrs.:	Goodwin	Proctor	Weeks	
Britnell	Holmes	St. John		
deGraffenried	Kirkland			—8

The Bill:

S. 383. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the alcoholic beverage control board; to prohibit and make unlawful delivery of alcoholic beverages from without the state to within the state, except to the Alabama alcoholic beverage control board and its licensed manufacturers, importers, wholesalers and to warehouses; to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

was taken up.

On motion of Mr. Weeks, the Rules were suspended and he was granted permission to offer the following amendment, to-wit:

AMENDMENT TO S. B. 383

Amend Senate Bill No. 383 Page 2 Line 9, by striking out the period after the word "repealed" and insert in lieu thereof the following:

"provided however the provisions of Act No. 80-793 are excluded."

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Martin	Smith	
Bailey	Holmes	McDonald	Taylor	
Callahan	Keener	Mitchem	Teague	
Goodwin	Kirkland	Parsons	Vacca	
Gulledge	Lemaster	Robertson	Weeks	
Hall	Little	St. John		—22

*Nays:*

—0



And said Bill, S. B. 383, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 1.

*Yeas:*

Messrs.:	Higginbotham	McDonald	Smith
Bailey	Holmes	Miller	Taylor
Callahan	Kirkland	Mitchem	Teague
Goodwin	Lemaster	Parsons	Vacca
Gulledge	Little	Robertson	Weeks
Hall	Martin	St. John	White

—23

*Nay:* Mr. Proctor. —1

The Bill:

S. 117. To amend Sections 2-5-3 and 2-5-4 of the Code of Alabama 1975 so as to raise the per diem of appointive members of the Farmers' Market Authority and to increase the salary of the administrator of the Farmers' Market Authority.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 117, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 117

#### A BILL TO BE ENTITLED AN ACT

To amend Section 2-5-3 of the Code of Alabama 1975 so as to raise the per diem of appointive members of the Farmers Market Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2-5-3, Code of Alabama 1975, is hereby amended to read as follows:

#### "§ 2-5-3

"The Farmers Market Authority shall meet on the call of the Chairman. In case of absence of the Chairman and Vice-Chairman, the members present shall elect a temporary Chairman. The rules generally adopted by deliberative bodies shall be observed by the Authority. No motion or resolution shall be adopted without the concurrence of a majority of the members of the Authority. The appointive members of the Authority shall receive a per diem of \$25.00 \$50.00 per day, and their expenses incurred in attending meetings of the Authority shall be paid as provided in Article 2 of Chapter 7 of Title 36 of this Code; provided, that they shall draw such per diem for no more than 30 days in any fiscal year."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	St. John	
Bailey	Higginbotham	Mitchem	Smith	
Britnell	Holmes	Parsons	Taylor	
Callahan	Keener	Proctor	Teague	
Goodwin	Kirkland	Robertson	Weeks	
Gulledge	Little			—21

*Nays:* —0

And said Bill, S. B. 117, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	St. John	
Bailey	Higginbotham	McDonald	Smith	
Britnell	Holmes	Miller	Taylor	
Callahan	Keener	Mitchem	Teague	
deGraffenried	Kirkland	Proctor	Weeks	
Goodwin	Little	Robertson	White	—23

*Nays:* —0

The Bill:

S. 147. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to remove the limitations of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

was taken up.

Mr. deGraffenried moved that the Rules be suspended and the Bill, S. B. 147, be postponed until the next Legislative Day, which motion was lost.

And said Bill, S. B. 147, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	St. John	
Bailey	Hall	Martin	Smith	
Britnell	Higginbotham	McDonald	Taylor	
Callahan	Holmes	Miller	Teague	
Cook	Keener	Parsons	Vacca	
deGraffenried	Kirkland	Proctor	Weeks	
Denton	Lemaster	Robertson		—26

*Nays:* —0

The Bill:

S. 148. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to remove the limitations of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Code of Alabama 1975; to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith	
Britnell	Higginbotham	Mitchem	Taylor	
Callahan	Holmes	Proctor	Teague	
Cook	Keener	Robertson	Vacca	
deGraffenried	Lemaster	St. John	White	
Denton	Little			—21

*Nays:* —0

The Bill:

S. 270. To repeal Section 12-12-73 of the Code of Alabama (1975), which presently appears to require a supersedeas bond in order to appeal from District Court to Circuit Court and thereby obtain a trial by jury. was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 270, to-wit:

#### COMMITTEE AMENDMENT TO SENATE BILL 270

Amend Senate Bill 270 as follows:

A. By re-designating Section 2 as Section 3.

B. By adding a new Section 2 to read as follows:

"Section 2. This act shall not be construed to repeal or in any way affect the provisions of sections 6-6-351 or 35-9-87 of the Code of Alabama 1975 or any other law or parts of laws relating to supersedeas bonds."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	St. John	
Britnell	Higginbotham	McDonald	Smith	
Callahan	Hilliard	Mitchem	Taylor	
deGraffenried	Holmes	Parsons	Vacca	
Denton	Keener	Proctor	Weeks	
Figures	Lemaster	Robertson	White	
Goodwin	Little			—25

*Nays:* —0

And said Bill, S. B. 270, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 1.

*Yeas:*

Messrs.:	Hall	Martin	St. John
Britnell	Higginbotham	McDonald	Smith
Cook	Hilliard	Mitchem	Taylor
deGraffenried	Holmes	Parsons	Teague
Denton	Keener	Pearson	Vacca
Figures	Lemaster	Proctor	Weeks
Goodwin	Little	Robertson	White
Gulledge			—28

*Nay:* Mr. Callahan. —1

The Bill:

S. 144. To amend Sections 11-52-74 and 11-52-77, Code of Alabama 1975, which Sections relate to procedure for adoption of zoning ordinances, so as to provide that a synopsis of any proposed ordinance be published or posted and notice be given of the time and place that the ordinance is to be considered by the municipal legislative authorities and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 144, to-wit:

COMMITTEE SUBSTITUTE FOR SENATE BILL 144

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Section 11-52-74, Code of Alabama 1975, and to amend Section 11-52-77, Code of Alabama 1975, which Sections relate to the procedures for adoption of zoning ordinances, so as to provide procedures and requirements of publication in a newspaper of general circulation within the municipality, or if no such newspaper is published to provide procedures and requirements of posting notice of proposed zoning ordinance, and notice shall be given of the time and place that such ordinances are to be considered and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-52-74, Code of Alabama 1975, is hereby repealed.

Section 2. Section 11-52-77, Code of Alabama 1975, is amended to read as follows:

"§ 11-52-77. Procedure for adoption of ordinances authorized by article.

"No ordinance shall be passed by any municipal corporation under the authority of this article unless and until the proposed ordinance has been published at least once a week for two consecutive weeks in full for one insertion and an additional insertion of a synopsis of the proposed ordinance, one week after the first insertion, which synopsis shall refer to the date and name of the newspaper in which the proposed ordinance was first published; both such insertions shall be at least 15 days in advance of its passage and in a newspaper of general circulation published within the municipality, or, if there is no such newspaper, then by posting the same proposed ordinance in four conspicuous places within the municipality, together with a notice stating the time and place that the ordinance is to be considered by the municipal legislative authorities and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance.

"No such ordinance shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	St. John
Barron	Gulledge	Martin	Taylor
Britnell	Hall	McDonald	Teague
Callahan	Higginbotham	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
deGraffenried	Keener	Pearson	White
Denton	Lemaster	Robertson	—26

*Nays:* —0

And said Bill, S. B. 144, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	St. John
Barron	Gulledge	McDonald	Taylor
Britnell	Hall	Miller	Teague
Callahan	Holmes	Mitchem	Vacca
Cook	Keener	Pearson	Weeks
deGraffenried	Lemaster	Proctor	White
Denton	Little	Robertson	—26

*Nays:* —0

The Bill:

S. 151. To amend § 41-4-156, Code of Alabama, 1975, to add the municipal clerks of incorporated municipalities to the list of persons receiving acts of the Legislature.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 151, to-wit:

COMMITTEE AMENDMENT TO S. B. 151

Amend Senate Bill 151, Page 1, Line 33, by striking out the figure "1,200" after the word "print" and substituting in lieu thereof the figure "1,700"

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	St. John
Barron	Gulledge	Martin	Taylor
Britnell	Hall	McDonald	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Lemaster		
			—25

*Nays:* —0

And said Bill, S. B. 151, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Proctor
Barron	Gulledge	Little	Taylor
Britnell	Hall	Martin	Teague
Callahan	Higginbotham	Mitchem	Vacca
Cook	Hilliard	Parsons	Weeks
deGraffenried	Holmes	Pearson	White
Denton	Keener		
			—25

*Nays:* —0

The Bill:

S. 311. To limit the liability of certain persons and organizations that donate and distribute food free of charge.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	St. John
Britnell	Higginbotham	Mitchem	Smith
deGraffenried	Hilliard	Parsons	Teague
Denton	Holmes	Pearson	Vacca
Figures	Keener	Proctor	Weeks
Goodwin	Kirkland	Robertson	White
Gulledge	Lemaster		
			—25

*Nays:* —0

## The Bill:

S. 195. To amend Section 32-9-21, Code of Alabama, 1975, which provides for a maximum permissible length for any motor bus driven or operated upon Alabama highways so as to further provide for a maximum permissible width for any such motor bus and to repeal all laws in conflict therewith.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

## Yeas:

Messrs.:	Gulledge	Lemaster	Robertson
Bailey	Hall	Little	Smith
Britnell	Higginbotham	Martin	Taylor
Cook	Hilliard	Mitchem	Teague
Denton	Holmes	Parsons	Vacca
Goodwin	Keener	Pearson	Weeks

—23

## Nays:

—0

## The Bill:

S. 65. To reopen the state employees' retirement system for persons who served as sheriff and also as county road commissioner for a prescribed period; to provide that such persons shall be eligible in such retirement system regardless of supernumerary status or status in any other pension plan; to prescribe the manner that such person shall pay into the retirement system; to provide for the employer's cost; and to prescribe the time for applying for participation in such retirement system.

was taken up.

The Standing Committee on Rules reported the following amendment to the Bill, S. B. 65, to-wit:

## COMMITTEE AMENDMENT TO S. B. 65

Amend Senate Bill 65, on Page 1, in the synopsis, at the end of line 25, by inserting the following new sentence:

"This bill also reopens the retirement system to grant additional service credit to certain teachers."

Further amend on Page 1, in the Title, at the end of line 39, by inserting the following new sentence:

"To further provide that the teachers' retirement system shall be reopened to grant additional service credit to certain teachers."

Further amend on Page 2, after line 23, by inserting the following new Section 3 and Section 4, and renumber the subsequent sections accordingly:

Section 3. Any person who is presently a member of the teachers' retirement system may hereby claim and purchase credit for prior service, for the period between January 1, 1976, through December 31, 1979, if during said period said teacher attended any institution of higher education located within the state to further his education. Said teacher shall pay to the

teachers' retirement system on or before ninety (90) days from the effective date of this Act, a sum equal to the total contributions which he would have contributed during such period of prior service based on his annual compensation in each year of prior service claimed at the percentage rate of member contribution prevailing at the time payment is made, together with interest compounded annually at eight per centum (8%) until the date of repayment.

Section 4. Any person who is presently a member of the teachers' retirement system may hereby claim and purchase up to three years of credit for prior service for the period between January 1, 1959, through December 31, 1962, if said person had at least five years of service credit within the retirement system as of January 1, 1959. Said teacher shall pay to the teachers' retirement system on or before ninety (90) days from the effective date of this Act, a sum equal to the total contributions which he would have contributed during such period of prior service based on his annual compensation in each year of prior service claimed at the percentage rate of member contribution prevailing at the time payment is made, together with interest compounded annually at eight per centum (8%) until the date of repayment.

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith	
Barron	Gulledge	Mitchem	Taylor	
Britnell	Higginbotham	Proctor	Teague	
deGraffenried	Holmes	Robertson	Weeks	
Denton	Keener	St. John	White	
Figures	Lemaster			—21

*Nays:* —0

And said Bill, S. B. 65, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 1.

*Yeas:*

Messrs.:	Gulledge	Mitchem	Taylor	
Britnell	Higginbotham	Proctor	Teague	
deGraffenried	Holmes	Robertson	Vacca	
Denton	Keener	St. John	Weeks	
Figures	Lemaster	Smith	White	
Goodwin				—20

*Nay:* Mr. Little. —1

The Bill:

S. 108. To require the chief administrative official of each hospital to report to the Alabama State Board of Medical Examiners any disciplinary action taken concerning any physician when such action is related to professional ethics, medical incompetence, moral turpitude, or drug or alcohol abuse; to define disciplinary action; to require the report to be in writing and made within sixty (60) days of the date of the action; to require any professional society of physicians which takes formal disciplinary action against a member to report such action to the Alabama State Board of Medical



Examiners when the action taken is related to professional ethics, medical incompetence, moral turpitude or drug or alcohol abuse; to require the report to be in writing and made within sixty (60) days of the action; to provide that any report made pursuant to this act shall be privileged from discovery; and to provide that the individual making the report shall be immune from liability.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Smith	
Barron	Hall	Mitchem	Taylor	
Britnell	Higginbotham	Pearson	Teague	
deGraffenried	Holmes	Proctor	Vacca	
Denton	Kirkland	St. John	White	
Goodwin				—20

*Nays:* —0

The Bill:

S. 194. To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to fix the time limits for filing a disclaimer and to provide for the manner of the delivery and filing of the disclaimer; to provide for the form of the disclaimer; to determine the effect of the disclaimer; to provide for waiver and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to ensure that this Act is construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes; to provide for severability of the provisions of this Act; and to provide for a retroactive effective date for the provisions of this Act.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 194, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 194

Amend Senate Bill 194, Section 2(d) page 2 by deleting lines 31 and 32 in their entirety.

Under the provisions of Senate Rule 14 (4), Mr. St. John was granted unanimous consent to take up the Bill:

H. 510. To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to fix the time limits for filing a disclaimer and to provide for the manner of the delivery and filing of the disclaimer; to provide for the form of the disclaimer; to determine the effect of the disclaimer; to provide for waiver and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to ensure that this Act is

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construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes; to provide for severability of the provisions of this Act; and to provide for a retroactive effective date for the provisions of this Act.

in place of the Consent Calendar Bill, S. B. 194, and pending amendment.

And said Bill, H. B. 510, was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Robertson
Barron	Hall	Lemaster	St. John
Britnell	Harrison	Little	Taylor
deGraffenried	Higginbotham	Mitchem	Teague
Figures	Holmes	Parsons	Vacca
Goodwin	Keener	Proctor	White

—23

*Nays:* —0

On motion of Mr. St. John, further consideration of the Bill, S. B. 194, and pending amendment, was indefinitely postponed.

The Bill:

H. 171. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Martin	Robertson
Barron	Holmes	McDonald	Taylor
Britnell	Keener	Mitchem	Teague
deGraffenried	Kirkland	Parsons	Vacca
Goodwin	Little	Proctor	White
Harrison			

—20

*Nays:* —0

The Bill:

H. 31. To amend Section 32-6-1 of the Code of Alabama 1975, relating to drivers' licenses and the renewal of such licenses, so as to prescribe that the department of public safety shall mail renewal notices to each licensee at least thirty days prior to the expiration date.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	St. John
Barron	Gulledge	Lemaster	Taylor
Britnell	Hall	Little	Teague
Cook	Higginbotham	McDonald	Vacca
deGraffenried	Holmes	Proctor	Weeks
Denton	Keener	Robertson	White

—23

Nays:

—0

## CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Britnell, further consideration of the Bill, S. B. 303, was indefinitely postponed by the Senate.

## MOTION IN WRITING

Mr. Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 389, on page 71 of the Thirteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 389, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## UNFINISHED BUSINESS

## BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 297. To define capital offenses; to provide for a sentence of life imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for appellate review of convictions and sentences in cases in which defendants are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions for use in cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary re-interpreted; to provide for severability; to specify the way the act is to be applied if the death penalty provisions of it are declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, § 13-11-1 through § 13-11-9, also codified as § 13A-5-30 through § 13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

The question was on the amendment offered by Mr. Figures, which said amendment is set out in the Journal of the Senate for the Twelfth Legislative Day.

On motion of Mr. deGraffenried, said amendment was laid on the table.

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Yeas 23; Nays 7.

*Yeas:*

Messrs.:	deGraffenried	Holmes	Robertson
Bailey	Denton	Kirkland	St. John
Barron	Goodwin	Lemaster	Taylor
Britnell	Gulledge	Little	Teague
Callahan	Harrison	Mitchem	Vacca
Cook	Higginbotham	Proctor	White

—23

*Nays:*

Messrs.:	Hilliard	McDonald	Pearson
Figures	Keener	Parsons	Smith

—7

Mr. Pearson offered the following amendment to the Bill, H. B. 297, to-wit:

SENATE AMENDMENT TO H. B. 297

Amend House Bill 297 on Page 5, Line 6, by striking the following language:

“and when there is a rational basis for such a verdict,”

On motion of Mr. deGraffenried, said amendment was laid on the table.

Mr. Pearson then offered the following amendment to the Bill, H. B. 297, to-wit:

SENATE AMENDMENT TO H. B. 297

Amend House Bill 297, on Page 9, Line 15, by striking out the word “shall” after the word “it” and striking out the word “an” after the word “return”. The word “may” should be substituted where the word “shall” was struck.

Further amend on Line 16, by striking out the word “advisory” after the word “an” and by striking out the words “recommending to the trial court” after the word “verdict”.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 70. COMMENDING THE PATRICIAN ACADEMY SAINTS ON THEIR BASKETBALL CHAMPIONSHIP, DISTRICT II, OF THE ALABAMA PRIVATE SCHOOL ASSOCIATION.

Also:

S. J. R. 71. DESIGNATING MAY 12, 1981, AS “LAW ENFORCEMENT OFFICERS APPRECIATION DAY” IN ALABAMA.

Also:

S. J. R. 76. COMMENDING VERN SCOTT ON HIS MANY PUBLIC ENDEAVORS AND DECLARING MARCH 20, 1981 AS "VERN SCOTT DAY" IN THE STATE OF ALABAMA.

Also:

S. J. R. 78. COMMENDING MRS. ELIZABETH JOHNSON FOR OUTSTANDING SERVICE WITH THE AMERICAN RED CROSS AND AS PIKE COUNTY'S WOMAN OF THE YEAR.

Also:

S. J. R. 79. CONGRATULATING AND COMMENDING CHARLES HENDERSON HIGH SCHOOL, STATE 3A 1980 FOOTBALL CHAMPIONS.

Also:

S. J. R. 80. COMMENDING COACH JAY JEFcoat OF CHARLES HENDERSON HIGH SCHOOL, TROY, ALABAMA.

Also:

S. J. R. 81. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL BAND.

Also:

S. J. R. 82. CONGRATULATING THE PATRICIAN ACADEMY STATE FOOTBALL CHAMPIONS, ALABAMA PRIVATE SCHOOL ASSOCIATION.

Also:

S. J. R. 84. HONORING MR. GEORGE LINDSEY.

Also:

S. J. R. 85. HONORING MR. JAMES MURRAY CARTER UPON HIS RETIREMENT FROM THE DEPARTMENT OF INDUSTRIAL RELATIONS.

Also:

S. J. R. 88. COMMENDING THE SIXTH AVENUE BAPTIST CHURCH OF BIRMINGHAM, ALABAMA, ON THE 100th ANNIVERSARY OF ITS FOUNDING.

Also:

S. J. R. 89. COMMENDING FIVE MONROE COUNTY INDUSTRIES FOR DONATING A TOTAL OF \$100,000 TOWARDS THE COST OF A PRELIMINARY STUDY FOR A NEW BRIDGE AT CLAIBORNE OVER THE ALABAMA RIVER.

Also:

S. J. R. 90. POSTHUMOUSLY HONORING VELMA WRIGHT IRONS AS A NATIONALLY RECOGNIZED EDUCATOR AND FOUNDER OF THE FIRST PUBLIC CLASS FOR VISUALLY HANDICAPPED CHILDREN IN THE ALABAMA PUBLIC SCHOOL SYSTEM, AND ENDORSING HER NOMINATION FOR INDUCTION INTO THE ALABAMA WOMEN'S HALL OF FAME.

Also:

S. J. R. 91. COMMENDING THE PINSON VALLEY WRESTLING TEAM FOR WINNING ITS SECOND STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

Also:

S. J. R. 92. EXTENDING WISHES FOR AN EARLY AND COMPLETE RECOVERY FOR OUR COLLEAGUE, REPRESENTATIVE BROOKS HINES.

Also:

S. 154. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### MOTION IN WRITING

Mr. Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 233, on page 64 of the 13th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 233, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### FURTHER CONSIDERATION OF H. B. 297

The Senate proceeded to further consideration of the Bill, H. B. 297. The question was on the Pearson amendment No. 4.

On motion of Mr. Barron, said amendment was laid on the table.

Mr. Figures offered the following amendment to the Bill, H. B. 297, to-wit:

#### AMENDMENT TO HOUSE BILL 297

Amend House Bill 297, on Page 7, by striking Section (d) in its entirety and replacing it with the following:

“(d) Any evidence which has probative value and is relevant to sentence shall be received at the sentence hearing provided that it conforms with

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 31. To amend Section 32-6-1 of the Code of Alabama 1975, relating to drivers' licenses and the renewal of such licenses, so as to prescribe that the department of public safety shall mail renewal notices to each licensee at least thirty days prior to the expiration date.

Also:

H. 171. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

Also:

H. 510. To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to fix the time limits for filing a disclaimer and to provide for the manner of the delivery and filing of the disclaimer; to provide for the form of the disclaimer; to determine the effect of the disclaimer; to provide for waiver and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to ensure that this Act is construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes; to provide for severability of the provisions of this Act; and to provide for a retroactive effective date for the provisions of this Act.

Also:

H. J. R. 166. HONORING MR. JACK THOMPSON FOR SERVICE TO ELMORE COUNTY AS COUNTY AGENT/COORDINATOR.

Also:

H. J. R. 169. HONORING STATE REPRESENTATIVE WAYNE COBB.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## MOTIONS IN WRITING

Mr. Robertson offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 35, on page 59 of the 13th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 35, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 324, on page 88 of the 13th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 324, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Roberts and Patton:

H. 357. To authorize and make provision for the incorporation through the joint action of any county and any single municipality located in such county of one or more public corporations for the purpose of acquiring, maintaining and operating public hospitals and appurtenant facilities in such county; to provide for the election and compensation of directors of any such corporations; to provide for the powers, authorities and duties of any such corporation and its board of directors; to provide for the issuance by any such corporation for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of any taxes allocated or appropriated to it or revenues from any of its hospital facilities, or any combination of any thereof; to provide that such securities shall be secured by a pledge of the revenues from which they are payable and may be secured by non-foreclosable mortgages and deeds of trust and trust indentures and other agreements respecting the application of its funds and other matters; to provide for the use of the proceeds of any such securities issued by any such corporation; to provide for the refunding by any such corporation of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such corporation pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such corporation eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of any such corporation, and all securities issued by any such corporation and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such corporation is a party, from all taxation in the state; to exempt every such corporation from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such corporation from payment of certain charges to Judges of Probate; to exempt every such corporation from all laws of the State governing usury or prescribing or limiting interest rates; to grant to every such corporation the power of eminent domain; to make applicable to every such corporation certain provisions of Title 22 of the Code of Alabama of 1975 pertaining



to the designation of county health agencies and the application of certain county taxes; to make applicable to every such corporation certain provisions of Title 11 of the Code of Alabama of 1975 pertaining to tort claims and judgments against local governmental entities; to authorize any county authorizing the creation of such a corporation and any municipal or public corporation or agency in such county to donate hospital facilities and other property to such corporation; to provide for the disposition of the earnings, if any, of any such corporation; and to provide for the dissolution of any such corporation and the disposition of its property.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 357. To the Committee on Health and Welfare.

### FURTHER CONSIDERATION OF H. B. 297

The Senate proceeded to further consideration of the Bill, H. B. 297. The question was on the amendment offered by Mr. Figures.

On motion of Mr. deGraffenried, said amendment was laid on the table.

Mr. Pearson offered the following amendment to the Bill, H. B. 297, to-wit:

### AMENDMENT TO H. B. 297

Amend H. 297 as follows:

On page 9, Section 8, subsection f, in line 22, after the word "on" delete the words "a vote of at least ten jurors" and insert in lieu thereof:

a vote of the jurors which must be unanimous and in line 23 insert a period after "writing" and delete the remainder of the sentence.

### POINT OF ORDER

Mr. Barron raised the following point of order: "Is the Pearson amendment No. 5 the same amendment as the amendment offered earlier by Mr. Keener?"

The President and Presiding Officer of the Senate ruled that the pending amendment was substantially different, and therefore, the amendment was in order.

### FURTHER CONSIDERATION OF H. B. 297

The Senate proceeded to further consideration of the Bill, H. B. 297. The question was on the amendment offered by Mr. Pearson.

On motion of Mr. Mitchem, said amendment was laid on the table.

Yeas 16; Nays 15.

*Yeas:*

Messrs.:	Denton	Higginbotham	Proctor
Barron	Glass	Holmes	Robertson
Callahan	Goodwin	Kirkland	St. John
Cook	Harrison	Mitchem	White
deGraffenried			

—16

*Nays:*

Messrs.:	Hall	Martin	Pearson
Bailey	Hilliard	McDonald	Smith
Britnell	Keener	Miller	Taylor
Figures	Little	Parsons	Teague

—15

Mr. Pearson then offered the following amendment to the Bill, H. B. 297, to-wit:

AMENDMENT TO HOUSE BILL 297

Amend House Bill 297 on Page 9, Lines 24-36 by striking out the entire section (lines 24-36) and substituting the following:

“(g) If the jury cannot agree on a sentence of death, the defendant shall be sentenced to life imprisonment without parole.”

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 392. To consolidate the administration of Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College under a single administration.

JOHN W. PEMBERTON,  
Clerk.

ADJOURNMENT

At 8:26 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, H. B. 297, the Senate adjourned until Thursday, March 26, 1981, at 10 o'clock A.M.

## FOURTEENTH LEGISLATIVE DAY

THURSDAY, MARCH 26, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Wayne B. Jones, Pastor, Highland Avenue Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	White
Figures	Keener	Pearson	

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## JOURNAL

On motion of Mr. Higginbotham, the reading of the Journal for yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Thirteenth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Higginbotham, leave of absence was granted Mr. Weeks for today.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 392. To consolidate the administration of Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College under a single administration.

ALBERT McDONALD,  
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Gullledge:

S. 520. To amend sections 11-50-310, 11-50-311, 11-50-313, and 11-50-321, Code of Alabama 1975, which provide that municipal utility boards may acquire, operate and finance cable television systems in the same manner as other utility systems, so as to provide further for said systems.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Callahan:

S. 521. To prescribe a minimum amount of bail to be required of persons indicted for certain felonious offenses.

Committee on Judiciary.

By Messrs. Robertson, Britnell, Glass, Callahan, Harrison, Denton and Hall:

S. 522. To establish the Alabama Abortion Act and the policy of the state therefor; to prescribe legislative intent and purpose; to make provisions of the act contingent on the reversal or modification of the Supreme Court decisions relating to abortion, or the amendment of the United States Constitution, or an Act of Congress passed pursuant to the 14th Amendment of the United States Constitution; to prescribe that the intent is to reasonably regulate abortions, conforming with the decisions of the United States Constitution, without restricting the right of privacy of the woman or the right of a woman to an abortion under those decisions; to prescribe any unborn child is a legal person and entitled to all state and federal constitutional rights and protections, including life; to protect the health of the woman and the integrity of her decision in continuing to bear a child; to further protect the valid

and compelling state interests in infants and unborn children; to assure the integrity of marital and familial relations and the rights and interests of persons in such relationships; to provide definitions; to require abortions be performed by licensed physicians; to regulate abortions in hospitals; to require informed consent; to prescribe parental and guardian consultation in cases of minors; to provide exceptions in the event of emergency situations; to require spousal consultation and exceptions; to prescribe certification of the viability of unborn children and the regulation of abortions after viability; to prescribe that only therapeutic experimentation may be performed on certain premature and unborn infants; to prescribe reporting of certain medical and other data by physicians, other medical personnel, and others in matters of health and deaths related to abortion procedures, while maintaining the privacy of the individual; to prescribe that a determination of pregnancy shall be made by any person soliciting abortions; to prescribe referral fees therefor; to require and provide analysis procedure on any dead unborn child; to prescribe reporting and procedures therefor by pathologists, abortion facilities and hospitals; to further provide for revocation of license prescribed by Section 34-24-35(2) of the Code of Alabama 1975; to allow any hospital, its directors, officers, governing board, personnel, and individual freedom of conscience relative to participating in abortion or abortion-related procedures; to prohibit the use of state funds for abortions, advertising, promoting or referral therefor; to provide further for Rh sensitization; to regulate publicly owned facilities and the conduct of public officials relating to abortions and abortion-related procedures; to protect the life and health of the mother; to prohibit abortion through coercion by any public official; to prescribe civil and criminal penalties, as the case may be, for violations of this act; to prescribe the effectiveness of the provisions; and to repeal conflicting laws.

Committee on Judiciary.

By Messrs. Robertson, Britnell, Taylor, Glass, Callahan, Harrison, Denton and Hall:

S. 523. To prescribe that the state of Alabama denies any cause of action based on "wrongful life"; to deny any action or award of damages based on the claim that but for the conduct of another person he or she would not have been conceived, or would not have been permitted to have been born alive; to provide that the failure or refusal of any person to prevent any live birth shall not constitute a defense, nor shall such failure or refusal be considered in awarding damages or imposing any penalty.

Committee on Judiciary.

By Mr. Mitchem:

S. 524. To amend section 24-1-24, Code of Alabama 1975, dealing with housing authorities, so as to provide further for compensation to be paid to commissioners employed by such housing authorities in certain municipalities.

Committee on Governmental Affairs.

By Mr. Pearson:

S. 525. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Smith:

S. 526. To amend sections 34-31-1, 34-31-3, 34-31-5, 34-31-7, 34-31-8, 34-31-9, 34-31-12, 34-31-15, and 34-31-16 of the 1978 supplement to the 1975 Code of Alabama so as to: (1) Clarify the definition of Regulated Contractor; (2) Exclude Professional Engineers, Professional Architects and certain Registered Contractors from this regulation; (3) Regulate roofing contractors involved in commercial roofing only; (4) Make the language of the Chapter consistent throughout; (5) Change the renewal date for Certification; (6) Change the number of required board meetings from monthly to bi-monthly; (7) Define a license and permit bond; (8) Allow for travel expense for board members.

Committee on Governmental Affairs.

By Mr. Keener:

S. 527. To amend section 36-21-46, Code of Alabama 1975, relating to minimum standards for law enforcement officers, so as to further regulate the training of persons appointed under Chapter 9 of Title 31, Code of Alabama 1975, and to restrict said officers' power of arrest.

Committee on Judiciary.

By Mr. Harrison:

S. 528. To create an additional judgeship for the Fifteenth Judicial Circuit of Alabama; to provide for the appointment of the first judge and the election of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the Fifteenth Judicial Circuit of Alabama to seven; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Committee on Finance and Taxation.

By Mr. Figures:

S. 529. To clarify the effective date of Act 80-569 and the exemptions provided for therein.

Committee on Judiciary.

By Messrs. deGraffenried and Robertson:

S. 530. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

Committee on Judiciary.

By Mr. Teague:

S. 531. To prohibit a presiding judge in a divorce case involving the custody of children from contravening the authority of the director of public safety in determining the fitness of either parent to operate a motor vehicle occupied by their children.

Committee on Judiciary.

By Mr. Hilliard:

S. 532. To exempt the Birmingham-Jefferson County Transit Authority from the duty to pay state, county, and municipal taxes.

Committee on Finance and Taxation.

#### RESOLUTION

Mr. Holmes offered the following Senate Joint Resolution, to-wit:

S. J. R. 103. HONORING MRS. EDRIS SPEER UPON HER RETIREMENT FROM THE HEALTH CARE INDUSTRY OF ALABAMA.

WHEREAS, the retirement of Edris Speer from active hospital administration leaves the health care industry with a deep sense of loss and regret; and

WHEREAS, she has become known for her professionalism, warmth, and dedication to the improvement of health care at Clay County Hospital and in the State; and

WHEREAS, Edris Speer is recognized as a leader in her hospital, community, and among hospital administrators collectively; and

WHEREAS, Edris Speer has served on the Board of Alabama Hospital Association and has been an active member of that Association for years; and

WHEREAS, she has spent 30 years of service to Clay County Hospital and Nursing Home; and

WHEREAS, Edris Speer has been involved in other health care agencies such as the American Red Cross and the American Lung Association; and

WHEREAS, she has served on the Board of Directors of the Alabama Hospital Association Trust, a liability trust organized by the Legislature to insure liability coverage for hospitals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this 19th day of March 1981, we do hereby recognize Edris Speer for her service to the health care industry of Alabama and wish her well in her years of retirement.

BE IT FURTHER RESOLVED, That Mrs. Speer receive a copy of this resolution, tendered in warm praise and in token of our high regard.

On motion of Mr. Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (R. G.):

H. J. R. 173. COMMENDING ROY O. "BUDDY" GILLILAND, ROCKFORD, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Holmes, the Rules were suspended and the Resolution, H. J. R. 173, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 177. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That House Joint Resolution No. 132 is hereby rescinded.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 177, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Willis:

H. 426. To amend § 33-5-17, Code of Alabama 1975, so as to increase boat registration fees.

Also:

By Rep. Willis:

H. 427. To limit the liability of landowners toward persons who may be upon those lands that the owners have made available for non-commercial outdoor recreational purposes.

Also:

By Reps. Johnson (R. G.) and Carothers:

H. 217. To be known as a Third Party Prescription Program Act, establishing the rights and responsibilities of parties engaged in third party prescription programs; defining certain terms; providing for notice procedures, cancellation procedures, provisions to be included in contractual agreements pertaining to third party prescription programs; outlining conditions under which payment by the program administrator to the pharmacy may or may not be denied; establishing reimbursement rates; providing exceptions and repealing all conflicting laws.



Also:

By Reps. Crow, Willis and Turner:

H. 578. To amend Section 36-30-20, Code of Alabama 1975, which defines the term state trooper for compensation for death or disability from occupational diseases, so as to include conservation enforcement officers within said definitions.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 426. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 427. To the Committee on Judiciary.

H. B. 217. To the Committee on Health and Welfare.

H. B. 578. To the Committee on Finance and Taxation.

### RESOLUTIONS

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 104. COMMENDING MR. YANCEY PARKER, PROMINENT ENTERPRISE BUSINESS AND CIVIC LEADER.

WHEREAS, Mr. Yancey Parker has been a vital part of the business community in Enterprise, Alabama, since 1948; and

WHEREAS, he has contributed vastly to the economic and cultural growth not only of that city, but all of Coffee County as well; and

WHEREAS, he has served with distinction as President of the Downtown Merchants Association, as a member of the Board of Directors of the Enterprise Chamber of Commerce, on the Board of Directors of Enterprise Hospital, and on the Board of Directors of the Alabama-West Florida United Methodist Foundation; and

WHEREAS, Mr. Parker is the recipient of special awards of recognition from the Enterprise Chamber of Commerce and The Department of the Army; and

WHEREAS, a member, since 1972, of the Mayor's Advisory Committee on Industrial Procurement, he has served also on the Mayor's Advisory Committee for Community Renewal; and

WHEREAS, Mr. Parker's involvement extends further to include service as the Coordinator and Congressional Club Chairman for the Second Congressional District; and

WHEREAS, he has been a member of the Executive Committee for Army Aviation Museum Foundation, serves as Vice-President of Community Affairs 1st Region of AAA, and is on the Board of Directors of the Association of USA; and

WHEREAS, he and his lovely daughter, Melissa, now serve as the only father/daughter team on the Board of Directors of the Alabama Retail Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mr. Yancey Parker of Enterprise, Alabama, as one of our state's most prominent citizens.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Parker with a copy also provided, in praise, for his daughter, Melissa.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Miller then offered the following Senate Joint Resolution, to-wit:

S. J. R. 105. COMMENDING MR. WARREN H. BROWN, DISTINGUISHED UNITED STATES ARMY VETERAN AND LONGTIME SUPPORTER OF THE AMERICAN LEGION.

WHEREAS, Mr. Warren H. "Pat" Brown joined the United States Army on February 25, 1918, and was honorably discharged from military service on July 28, 1919; and

WHEREAS, in the Springtime of 1919, on March 15, a group of 62 American servicemen met in Paris, France, and that historic assemblage was the first meeting of what was to become the American Legion; and

WHEREAS, thus it was, more than six decades ago, that Pat Brown found something in which he truly believed and, since the year of the Legion's birth, has maintained his membership, supporting and promoting the cause of Americanism and other lofty aims and goals of the American Legion; and

WHEREAS, now a loyal and honored member of Post Number 80 of Andalusia, Alabama, Mr. Pat Brown continues his faithful support in close bonds of fellowship with his fellow honorably discharged wartime veterans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Warren H. "Pat" Brown of Andalusia, Alabama, for outstanding loyalty and service to the American Legion.

BE IT FURTHER RESOLVED, That Mr. Brown receive a copy of this resolution, tendered in warm praise, appreciation and esteem.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Miller then offered the following Senate Joint Resolution, to-wit:

S. J. R. 106. HONORING MR. GEORGE JOHNSON UPON HIS RETIREMENT AS ADMINISTRATOR OF CROSS TRAILS REGIONAL LIBRARY.

WHEREAS, Mr. George Johnson has recently retired, on March 1, 1981, as Administrator of Cross Trails Regional Library after serving for 24 years as executive director of this up-to-date facility which is located in Opp and serves Coffee, Covington, Conecuh, Crenshaw and Geneva Counties; and

WHEREAS, a native of Covington County, Mr. Johnson is a graduate of Red Level High School and of the University of Alabama with a certificate in Library Science and a Bachelor of Science Degree, as well as a Master's Degree in School Administration; he also studied additionally on the graduate level at the University of Illinois, Florida State University and Miami of Ohio; and

WHEREAS, he served for four years in the United States Army during which time he was assigned to company libraries both in camp and on ships, and his assignments included tours of duty in New Guinea, the Philippines and Japan; and

WHEREAS, in addition to positions as school librarian in Roanoke, Selma and Bridgeport, he has also worked in the public library in Tuscaloosa and was principal of the school at Dozier from 1953 to 1957; and

WHEREAS, Mr. Johnson became Administrator of Cross Trails Regional Library in 1957 and during his long tenure, organized the first public libraries at Brantley, Luverne, Castleberry, Hartford and Dozier, and has built or remodeled library facilities in some eight other cities in this five-county region; he has additionally been instrumental in the purchase of four bookmobiles to assure library service in rural areas; and

WHEREAS, he is a member of Phi Kappa Delta Honorary and a past president of the Alabama Library Association and has held membership in the Alabama, American, Southeastern and Tri-State Library Associations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. George Johnson on his prestigious professional career; we further wish him every future success and direct that he receive a copy of this resolution in token of our warm personal regards.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Miller then offered the following Senate Joint Resolution, to-wit:

S. J. R. 107. COMMENDING MRS. JANE BENTON DAVIS UPON HER RETIREMENT.

WHEREAS, the Alabama Legislature has noted with commendation the recent retirement of Mrs. Jane Benton Davis as Cataloger for Cross Trails Regional Library where she had worked for a period of 22 years; and

WHEREAS, Mrs. Davis, who is a graduate of the University of Alabama with a B. S. degree and a certificate in Library Science, previously served as School librarian at Opp High School and at Luverne High School prior to her association with the Cross Trails Regional Library; and

WHEREAS, during her tenure at Cross Trails, she has worked tirelessly in indexing library materials and making information available to more than 120,000 persons; she further has conducted workshops on program planning and assisted personnel in acquiring materials for club programs and other occasions; and

WHEREAS, she is a member of the United Methodist Church, faithful in attendance and in service, and also has long been active in numerous other civic, charitable and community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mrs. Jane Benton Davis on her prestigious career as a professional Librarian and direct that she and her family receive a copy of this resolution that they may be aware of our high praise, appreciation and esteem.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

#### MOTION IN WRITING

Mr. Taylor offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 259, on page 20 of the 14th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 259, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### RESOLUTION

Mr. Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 108. CITING WILLIE JONES OF EUFAULA, ALABAMA, FOR EXTRAORDINARY BRAVERY.

WHEREAS, to be noted with utmost commendation are the uncommonly brave actions of Eufaula, Alabama's Willie Jones on January 31, 1981; and

WHEREAS, on that date, eleven-year-old Willie Jones is credited with saving the lives of two younger children during a fire in which three other persons perished; and

WHEREAS, officials of the Eufaula Fire Department relate that Willie, who was awakened by the fire, helped his younger sister and brother escape the flames which totally destroyed their home and claimed the lives of their mother and two others as well; and

WHEREAS, a student at the Rebecca Comer School, Willie has been cited for bravery by the Eufaula Fire Department and presented a plaque by Mayor George Little in recognition of a courage far beyond his years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Willie Jones of Eufaula, Alabama, for outstanding courage in saving the lives of his brother and sister at the risk of losing his own.

BE IT FURTHER RESOLVED, That Willie Jones receive a copy of this resolution, tendered in tribute to his courage and his love for his family.

On motion of Mr. Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the promotion of Colonel William A. Jackson to the rank of Brigadier General in the Alabama Air National Guard.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 26th day of March, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

Colonel William A. Jackson has been promoted to the rank of Brigadier General effective 16 March 1981.

The above appointment is being submitted to you for confirmation or for such action as you deem right and proper.

Respectfully,

FOB JAMES,  
Governor.

Done this 26th day of March, 1981.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the rank of Brigadier General in the Alabama Air National Guard, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to reappointments to the Alabama Institute for Deaf and Blind, Board of Trustees.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 26th day of March, 1981.

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To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, the following:

Mr. Joe E. Basenberg, Mobile, Alabama; Term expiring November 28, 1986.

Mr. George Limbaugh, Childersburg, Alabama; Term expiring November 28, 1986.

Mr. Calvin Wooten, Anniston, Alabama; Term expiring November 28, 1986.

Mrs. William Newell, Montgomery, Alabama; Term expiring November 28, 1986.

as members of the Alabama Institute for Deaf and Blind, Board of Trustees.

Respectfully,  
FOB JAMES,  
Governor.

Done this 26th day of March, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointments to the Board of Trustees to the Alabama Institute for the Deaf and Blind, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Credit Union Board of the Bureau of Credit Unions.

Respectfully submitted,  
BOB A. DAVIS,  
State Administrations Officer.

Done this 26th day of March, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Louise Crockett, Mobile, Alabama, replacing Mr. James W. Johnston, Jr., for the term ending February 1, 1986, to the Credit Union Board of the Bureau of Credit Unions.

Respectfully,  
FOB JAMES,  
Governor.

Done this 26th day of March, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Credit Union Board of the Bureau of Credit Unions, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Auburn University Board of Trustees.

Respectfully submitted,  
BOB A. DAVIS,  
State Administrations Officer.

Done this 26th day of March, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. John V. Denson, Opelika, Alabama, for the term ending January 1987, replacing Ralph Jordan (deceased) to the Auburn University Board of Trustees.

Respectfully,  
FOB JAMES,  
Governor.

Done this 26th day of March, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Auburn University Board of Trustees, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the University of Montevallo Board of Trustees.

Respectfully submitted,  
BOB A. DAVIS,  
State Administrations Officer.

Done this 26th day of March, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mrs. Charles Carmichael, Jr., Tuscumbia, Alabama; Term expiring January 19, 1983. (Reappointed).

Ms. Ruth P. Spencer, Auburn, Alabama; Term expiring January 19, 1987. (Replaced Mrs. Isaac Riley).

Ms. Martha Kirkland, Brewton, Alabama; Term expiring January 19, 1992.

Mr. Guy Burns, Montevallo, Alabama; Term expiring January 19, 1992.

Mr. Ernest L. Reddick, Cullman, Alabama; Term expiring January 19, 1992.

as members of the University of Montevallo Board of Trustees.

Respectfully,

FOB JAMES,  
Governor.

Done this 26th day of March, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellence, the Governor, relative to the appointments to the University of Montevallo Board of Trustees, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Alabama A & M University, Board of Trustees.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 26th day of March, 1981.



To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Dr. Mamie L. Foster, Birmingham, Alabama; Term expiring January 31, 1986. (Reappointed).

Mr. J. C. Moquin, Huntsville, Alabama; Term expiring January 31, 1986. (Replacing Dr. P. T. Farrish).

Mr. James W. Coleman, Sawyerville, Alabama; Term expiring January 31, 1986. (Reappointed).

Dr. Spencer Thomas, Gadsden, Alabama; Term expiring January 31, 1986. (Replacing Mr. Jack Snider).

as members of the Alabama A & M University, Board of Trustees.

Respectfully,

FOB JAMES,  
Governor.

Done this 26th day of March, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointments to the Alabama A & M University Board of Trustees, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Polygraph Examiners Board.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 26th day of March, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. John Michael Cloud, Montgomery, Alabama; Term expiring January 14, 1983. (Deceased - Mr. Jesse Herman Pitts).

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Mr. Michael Huey Capps, Selma, Alabama; Term expiring January 14, 1982. (Replacing - Mr. John Tupkelewicz)

as members of the Polygraph Examiners Board.

Respectfully,  
FOB JAMES,  
Governor.

Done this 26th day of March, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointments to the Polygraph Examiners Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to reappointments to the State Forestry Commission.

Respectfully submitted,  
BOB A. DAVIS,  
State Administrations Officer.

Done this 26th day of March, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, the following:

Mr. William H. Stimpson, Mobile, Alabama; Term expiring November 5, 1985.

Speaker Joe C. McCorquodale, Jr.; Term expiring November 5, 1985.  
as members of the State Forestry Commission.

Respectfully,  
FOB JAMES,  
Governor.

Done this 26th day of March, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointments to the State Forestry Commission was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Board of Agriculture and Industries.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 26th day of March, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Daniel L. Miller, Mobile, Alabama, replacing Mr. Robert Williams, for the term concurrent with Governor's term, to the State Board of Agriculture and Industries.

Respectfully,

FOB JAMES,  
Governor.

Done this 26th day of March, 1981.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Agriculture and Industries, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Docks Advisory Committee.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 26th day of March, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Lloyd Mikeland Currier, Oneonta, Alabama; Term expiring September 28, 1983. (Replaced Ray Marsh).

a member of the State Docks Advisory Committee.

Respectfully,  
FOB JAMES,  
Governor.

Done this 26th day of March, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Docks Advisory Committee, was read and referred to the Standing Committee on Rules.

#### LOCAL BILLS ON THIRD READING

The Bill:

S. 464. Relating to Chilton County: To authorize the Board of Health of said county to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Chilton County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John
Bailey	Glass	McDonald	Smith
Barron	Goodwin	Miller	Taylor
Britnell	Hall	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Proctor	White
Denton	Little		

—25

Nays:

—0

The Bill:

H. 575. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year; to provide that the first fee schedule shall also be the fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 575, to-wit:

COMMITTEE AMENDMENT TO H. B. 575

Amend H. B. 575 on page 1, line 15 by striking the word 1980 and inserting in lieu thereof the word 1981.

Further amend H. B. 575 on page 1, line 18 by striking the word 1980 and inserting in lieu thereof the word 1981.

Further amend H. B. 575 on page 2, Section 2, line 8 by striking the word 1980 and inserting in lieu thereof the word 1981.

Further amend H. B. 575 on page 2, Section 2, line 13 by striking the word 1980 and inserting in lieu thereof the word 1981.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	St. John	
Bailey	Goodwin	Miller	Smith	
Barron	Hall	Mitchem	Taylor	
Britnell	Holmes	Parsons	Teague	
Callahan	Keener	Pearson	Vacca	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

*Nays:* —0

And said Bill, H. B. 575, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	St. John	
Bailey	Goodwin	Miller	Smith	
Barron	Hall	Mitchem	Taylor	
Britnell	Holmes	Parsons	Teague	
Callahan	Keener	Pearson	Vacca	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 616. Relating to Jackson County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

was read a third time at length and passed.

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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	St. John
Bailey	Goodwin	Miller	Smith
Barron	Hall	Mitchem	Taylor
Britnell	Hilliard	Parsons	Teague
Cook	Holmes	Pearson	Vacca
Denton	Keener	Proctor	White
Figures	Lemaster		

—25

*Nays:* —0

The Bill:

H. 617. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Langston in Jackson County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	St. John
Bailey	Goodwin	McDonald	Smith
Barron	Hall	Miller	Taylor
Britnell	Hilliard	Parsons	Teague
Cook	Holmes	Pearson	Vacca
Denton	Keener	Proctor	White
Figures	Lemaster		

—25

*Nays:* —0

The Bill:

H. 618. To amend Section 1 of Act No. 179, H. 976, 1979 Regular Session (Acts 1979, p. 289), entitled "An Act Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance," so as to provide further for the expense allowances of said circuit clerk and to provide for its retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	St. John
Bailey	Glass	Miller	Smith
Barron	Gulledge	Mitchem	Taylor
Britnell	Hilliard	Parsons	Teague
Callahan	Holmes	Pearson	Vacca
Cook	Keener	Proctor	White
Denton	Little		

—25

*Nays:* —0

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Troy State University Board of Trustees.

Respectfully submitted,

BOB A. DAVIS.  
State Administrations Officer.

Done this 26th day of March, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Doug Hawkins, Troy, Alabama; Term expiring October 24, 1991.  
(Replacing Tine Davis, deceased).

as a member of the Troy State University Board of Trustees.

Respectfully,

FOB JAMES,  
Governor.

Done this 26th day of March, 1981.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Troy State University Board of Trustees, was read and referred to the Standing Committee on Rules.

## REPORTS OF COMMITTEES

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 469.. To provide that matters originating in the probate court shall not be removed or appealed to a district court.

By Mr. Callahan:

S. 472. To provide additional penalites for persons using a firearm while committing or attempting to commit certain crimes.

By Mr. deGraffenried:

S. 484. To amend Section 8-8-10 of the Code of Alabama 1975, relating to interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

By Mr. Hilliard:

S. 366. Proposing an amendment to Article VIII, Section 182 of the Constitution of Alabama 1901, so as to provide further for disqualifying certain persons from registering and voting.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Hilliard:

S. 217. To amend Section 32-7-15 of the Code of Alabama (1975) so as to correct an error inadvertently made in the 1975 codification of said Code and re-enact the Safety Responsibility Law of Alabama as it actually existed immediately prior to said 1975 codification.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Figures (With Amendment):

S. 289. To require municipal corporations or any subdivision of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the course of their employment, and to authorize the obtaining of liability insurance to cover such employees.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Figures:

S. 445. To amend Section 11-41-8, Code of Alabama 1975, which provides for validation of prior attempted incorporations that had been invalidated by procedural irregularities, so as to validate all those attempts prior to January 1, 1981.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Campbell (With Amendments):

H. 7. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the legislative council to be the committee to review all rules of state agencies; requiring every state agency



that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Glass:

S. 287. To Amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

By Mr. Kirkland:

S. 305. To limit the liability of landowners toward persons who may be upon those lands that the owners have made available for non-commercial outdoor recreational purposes.

By Mr. Kirkland:

S. 334. To amend Section 20-2-93, Code of Alabama, 1975, relating to forfeitures and seizures connected with violations of the Uniform Alabama Controlled Substances Act, by amending Section 20-2-93 to include money, funds, negotiable instruments, firearms, weapons and other personal property in the list of items subject to forfeiture, if used or intended for use to facilitate a violation of the Alabama Uniform Controlled Substances Act, to provide venue for forfeiture proceedings thereunder, and to clarify and define certain affirmative defenses thereto.

By Reps. Patton, Payne, Bedsole and Amari:

H. 118. To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

By Rep. Smith (J):

H. 32. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-5-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply;

Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 338. To provide that retiring state law enforcement officers of the state of Alabama may keep their pistols and badges.

By Mr. Miller:

S. 441. To amend Sections 37-1-12 and 37-1-12.1 of the Code of Alabama 1975, relating to the appointment and employment of personnel in the Alabama Public Service Commission, so as to provide that such employees may be appointed or employed within or without the merit system and shall be entitled to all benefits as the classified service personnel.

By Messrs. Cook, Callahan, Miller, Teague, Proctor, Vacca, White, Parsons, Goodwin, Mitchem, Lemaster, Denton, Smith, Holmes, Robertson, Hall, Keener, Glass, Taylor, Martin, Little and Gullledge:

S. 485. To provide further for the annual salary of the state treasurer of this state.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Whatley (With Substitute):

H. 104. Relating to the continued existence and functioning of the Board of Cosmetology provided for in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, and as otherwise provided by law.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Cosby (With Amendment):

H. 106. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Social Work Examiners as provided in Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, with certain modifications; to amend Section 34-30-26 of the Code of Alabama 1975, so as to specifically provide that failure to actively practice social work shall not be a basis for denying a license renewal provided all fees are paid.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Whatley (With Substitute):

H. 108. To terminate the state agency for social security, and its advisory board, created by Section 36-28-3, Code of Alabama 1975, and to transfer the functions, duties and responsibilities, including any federal contractual obligations, to the state retirement systems; to provide that all monies collected by the board, and thereafter by the retirement systems, shall be transferred to the state treasury and that any accrued interest thereon shall be credited to the state general fund, and to provide that the provisions hereof shall become effective September 30, 1981.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Manley:

H. 381. To amend Section 41-4-156 of the Code of Alabama 1975 which provides for the printing of acts and resolutions in pamphlet form, so as to require the printing of local acts as well as the general acts in pamphlet form, and to provide further for the distribution of pamphlet acts.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullett (With Amendments):

S. 344. To license and regulate grain dealers under the State Department of Agriculture and Industries; to require posting of bonds by dealers for the benefit of producers; to provide for inspection and investigation of grain dealers' operations and provide for hearings and suspension or revocation of grain dealers' licenses.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 381. To remove raccoons and foxes from the category of fur-bearing animals.

By Mr. Kirkland:

S. 382. To amend Section 9-11-235.1 of the Code of Alabama 1975 so as to provide further for taking or hunting raccoons or opossums at night.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Holmes (With Amendments):

S. 205. To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Barron:

S. 417. To amend Section 2-7-7, Code of Alabama 1975, which Section relates to a payment by the Alabama Agricultural and Industrial Exhibit Commission to the South Alabama State Fair Association for premiums, awards and prizes given at said Fair to exhibitors of cattle, sheep, goats, hogs, agricultural shows or exhibits, fine art shows, exhibits for 4-H Clubs, Future Farmers of America, and Future Homemakers of America, poultry and other types of exhibits so as to remove a limitation of \$10,000.00 which the said Section imposes.

By Mr. Barron:

S. 465. To exempt persons fishing in certain private ponds or certain public ponds from certain fishing laws and regulations.

By Mr. Keener:

S. 405. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees to \$25.00; to require annual renewal permit fees of \$25.00.

By Mr. Goodwin:

S. 486. To provide labeling requirements and marketing procedures for products containing honey; and to provide penalties for violation.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan (With Amendment):

S. 495. To make it unlawful to fish in the Gulf of Mexico with any kind of net, except a hand thrown cast net, within one mile of the beaches or shore line of the State of Alabama that borders on the Gulf of Mexico; prescribing penalties.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cook:

S. 244. To prescribe a period of time in the public schools not to exceed fifteen minutes for study of the formal procedures followed by the United States Congress, which study shall include a reading verbatim of one of the opening prayers given by either the House or Senate Chaplain at the beginning of a meeting of the United States House or Senate.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan (With Substitute):

S. 280. To amend Title 16, Section 9, Subsection 11 of the Code of Alabama, 1975 so as to provide further for the filling of vacancies in local superintendent of education positions.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Bedsole, et al:

H. 174. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

By Mr. Callahan:

S. 282. To authorize local boards of education to appoint an individual in the personnel department to accept resignations of employees.

By Mr. Hall:

S. 475. Amending Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to allow teachers and other employees in city and county schools to take vacations during the school year.

By Rep. Ward, et al:

H. 291. To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

By Rep. Letson:

H. 471. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 315. To amend Section 23-1-5 of the Code of Alabama 1975 relating to payment of costs of relocation of utility facilities necessitated by construction of federal assisted highways so as to include those utilities that provide water or sewer services to the public with those utilities that are entitled to reimbursement from the state for relocation of utility facilities necessitated by highway construction other than the highways that are a part of the national system of interstate and defense highways.

By Mr. Little:

S. 347. This Act, which shall be known as the Alabama Sale of Fine Prints Act, establishes requirements for the selling of and offering for sale limited edition art objects; provides for detailed information concerning such objects to accompany each individual purchase; provides for certain proof of purchase information to accompany each receipt or invoice upon the sale of an item, and provides for penalties in violation of these requirements, a statute of limitations in bringing an action under this act, and for reasonable attorneys' fees.

By Mr. Kirkland:

S. 413. To provide for a reorganization of the Alabama public service commission by increasing the membership of the commission and establishing an office of director of utility consumer representation; to provide means to carry out and enforce the declared public policy of preserving, protecting and promoting the interest of the using and consuming public in regard to the regulation of public utilities; to provide a bill of rights for utility consumers of the state; to provide for the declaration of public policy regarding the regulation of public utilities in this state; to provide criminal penalties relating to violations of this act by commissioners, employees of the commission, the director, employees of the office of the director and other persons, utilities and businesses regulated by the commission; to provide for admissibility of accomplice testimony in trials relating to the penalty provisions of this act; to provide for eligibility requirements and qualifications for commissioners, the director and employees; to provide for removal of commissioners, the director and employees; to provide for the formation of political committees in regard to elections of commissioners and the director; to provide registration and reporting requirements of said political committees; to require campaign finance disclosure in relation to elections of commissioners and the director; to provide for implementation of disclosure and reporting requirements in relation to such elections; to provide criminal penalties for failing to file reports or statements or filing false reports or statements in regard to elections for commissioners and the director; to provide criminal penalties generally in regard to elections for commissioners and the director; to provide a code of ethics for commissioners, the director and employees; to provide rights of utility consumers to participate in hearings of the commission; to provide for utility consumers' right to reasonable rates and charges; to provide utility consumers the right to be protected against unwarranted exercise of the power of eminent domain; to provide utility consumers the right of access to utility services and the right of continuation of such service; to provide utility consumers with the right of access to non-utility property of utilities; to provide definitions for the purpose of this act; to amend and repeal certain provisions of Title 37, Code of Alabama, 1975; to provide new salaries for commissioners and the director; to provide a staff of employees for the director; to reduce and transfer the staff of employees of the commission; to provide for a legislative oversight committee for utility consumers; to provide powers, duties and responsibilities of commissioners and the director; to provide for the assignment of an assistant attorney general to represent consumers and the state in proceedings before the commission; to provide for rules of procedure for commission proceedings; to provide service of papers on the director; to provide the director with funds to represent the consuming public; to provide rights of appeal for the director; to provide bonds, meetings, domicile for the commission and the director; to provide for actions to enforce penalties of forfeitures; to provide for consumer intervention in proceedings before the commission; to provide subpoena powers for the director and the commission; to provide procedures for appeals of commission orders; to provide for rules and regulations of the commission and to provide the director with enforcement powers; to provide for valuation of utility property and to provide when such valuation may be made.

By Mr. Mitchem:

S. 421. To amend Section 40-20-5, of the Code of Alabama 1975, relating to oil and gas severance tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

By Mr. Mitchem:

S. 422. To amend Section 9-17-26 of the Code of Alabama 1975, relating to oil and gas 2% production tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teague (with notice and proof):

S. 461. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

By Rep. Minus (with notice and proof):

H. 137. Relating to Sumter County; prescribing certain limitations on procedures for extending the corporate limits and boundaries of incorporated municipalities in said county.

By Rep. Minus (with notice and proof):

H. 138. Relating to Choctaw County; to provide for the replacement of casings in certain wells located in the county.

By Rep. Minus (with notice and proof):

H. 139. Relating to Sumter County; to provide for the replacement of casings in certain wells located in the county.

By Reps. Shavers, Hall and Stout (with notice and proof):

H. 316. Relating to the city of Scottsboro in Jackson County; to authorize the city governing body to establish a historic preservation commission and to adopt ordinances and regulations to protect historic architectural character and preserve the general historic character of the city by allowing the designation of historic districts, areas, and sites and adopting other provisions necessary to carry out the purposes of this act.

By Rep. Gilmer (with notice and proof):

H. 420. Relating to Fayette County; to provide further for the compensation of certain election officers.

By Rep. Cobb (with notice and proof):

H. 567. Relating to Marion County; to provide for additional per diem payments to each member of the Board of Equalization.

By Rep. Gilmer:

H. 568. To repeal Act No. 158, 1969 Special Session, and Act No. 950, 1969 Regular Session, relating to compensation and expense allowances paid to the board of equalization in counties with a population of not less than 13,700 nor more than 14,300 inhabitants.



By Rep. Gilmer (with notice and proof):

H. 569. Relating to Lamar County; providing for the amount of compensation to be paid members of the jury commission, board of equalization and the board of registrars.

By Rep. Venable (with notice and proof):

H. 587. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Elmore County shall have or exercise police jurisdiction within Elmore County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Elmore County or over or on any person in Elmore County or property or business or trade or profession in Elmore County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Elmore County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Elmore County.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 314. To amend Section 40-14-70, Code of Alabama 1975, relating to assessment and collection of corporate shares of stock, so as to alter the method of assessment.

By Mr. Callahan:

S. 474. To amend Section 12-19-113 Code of Alabama 1975 so as to provide that a juror summoned to pass upon the soundness of mind of a person shall be entitled to receive \$8.00 per day of attendance.

By Mr. Bailey:

S. 293. To provide procedures for the expenditure of funds appropriated to replace fees and place restrictions on the collection of fees and fund-raising activities in public elementary and secondary schools.

By Mr. Pearson:

S. 115. To make a supplemental appropriation to the State Board of Pardons and Paroles for the fiscal year ending September 30, 1981.

By Mr. Robertson:

S. 285. To amend Code of Alabama 1975, Section 36-27-16, which relates to the Employees' Retirement System, amending said section so as to provide that any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days, nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided that the said member shall have completed the age and service requirements established by the board of control for eligibility for deferred benefits. To provide that the board of control shall establish said age and service requirements; and that from time to time, said requirements for the minimum years of creditable service shall not be less than 10 years nor more than 25 years.

By Messrs. Parsons, Robertson and Harrison:

S. 423. To amend Section 40-23-4, Code of Alabama 1975, which relates to exemptions from the state sales tax, so as to exempt the gross receipts on the sale of wood residue from such tax.

By Mr. Little:

S. 432. To exempt the East Alabama Services for the Elderly, Inc. from all state, county and municipal sales and use taxes.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Harrison, Robertson and Britnell (With Amendment):

S. 238. To require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain local law enforcement officers.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Kelley:

H. 356. Relating to the Twenty-seventh Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Smith, Denton, Holmes, Goodwin and Bailey (With Substitute):

S. 476. Relating to corporations and associations; to amend Title 10, Article 6, Code of Alabama of 1975, which provides for the organization and operation of health care service plans; to amend the heading to § 10-4-109 of Code of Alabama of 1975 to read "Regulation of rates, charges, fees, dues and reimbursements"; to identify the existing § 10-4-109 of Code of Alabama of 1975 as paragraph (a); and to add a new paragraph (b) to § 10-4-109 of Code of Alabama of 1975 to provide for reimbursement to health care facilities based on charges rather than costs.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Callahan:

S. 308. To amend Section 37-2-1, Code of Alabama 1975 relating to defining the term "transportation company."

By Mr. Gulleddge:

S. 155. To amend Sections 11-48-48 and 11-48-49, Code of Alabama 1975, which Sections relate to the payment of municipal improvement assessments, so as to liberalize the times for payments and to adjust interest rates; to provide an effective date.

By Mr. Kirkland:

S. 30. To recognize the right of an adult person to make a written directive instructing his physician to withhold life-sustaining procedures in the event of a terminal condition; to prescribe the procedure for executing such directive.

By Mr. Kirkland:

S. 174. To regulate the practice of soil classification; to provide for the registration of qualified persons as professional soil classifiers; to designate a state board of registration of soil classifiers; to provide for the appointment and compensation of its members; to fix the terms of the members of the board and to define the powers and duties of the board; to provide the minimum qualifications and other requirements for registration; to establish fees with expiration and renewal requirements; to provide that certain persons shall be exempt from the provisions of this Act; and to provide for the enforcement of this Act and prescribe criminal penalties for its violations.

### CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

S. 308. To amend Section 37-2-1, Code of Alabama 1975 relating to defining the term "transportation company."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Holmes	St. John
Barron	Gulledge	Keener	Smith
Britnell	Hall	Kirkland	Taylor
Callahan	Harrison	Little	Teague
Denton	Higginbotham	Martin	White

—19

*Nays:*

—0

The Bill:

S. 155. To amend Sections 11-48-48 and 11-48-49, Code of Alabama 1975, which Sections relate to the payment of municipal improvement assessments, so as to liberalize the times for payments and to adjust interest rates; to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Higginbotham	Little
Barron	Goodwin	Hilliard	McDonald
Britnell	Gulledge	Holmes	Miller
Cook	Hall	Keener	Robertson
deGraffenried	Harrison	Kirkland	St. John

—19

*Nays:*

—0

RESOLUTIONS

Messrs. deGraffenried, Robertson, Cook, Bailey, Barron, Britnell, Callahan, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 109. EXPRESSING APPRECIATION TO DR. HOWARD GUNDY OF THE UNIVERSITY OF ALABAMA.

WHEREAS, Dr. Howard B. Gundy has served in prestigious capacity, since July 1, 1980, as acting president and chief executive officer of the University of Alabama; and

WHEREAS, a native of New York State, Dr. Gundy earned his bachelor's degree at Syracuse University, his master's degree at the University of Buffalo and his doctorate also at Syracuse; and

WHEREAS, he came to the University of Alabama in 1966 as a professor and the first dean of the new School of Social Work; from 1971 until 1978 he was vice president of Academic Affairs and also was named director of the University's Washington Office when it opened in 1977; and

WHEREAS, Dr. Gundy subsequently served as vice president for Research and Public Service and later as special counsel to the president from December 1979 until July 1, 1980 when he was named acting president and chief executive officer of the University of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express sincere gratitude to Dr. Howard B. Gundy for extraordinary service to the University of Alabama, both as acting president and in his many previous capacities of leadership.

BE IT FURTHER RESOLVED, That we wish Dr. Gundy every future success in continuing service to the University and direct that he receive a copy of this resolution, in expression of appreciation and in token of our warm regard.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. deGraffenried, Robertson, Cook, Bailey, Barron, Britnell, Callahan, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White then offered the following Senate Joint Resolution, to-wit:

S. J. R. 110. WELCOMING DR. JOAB THOMAS AS PRESIDENT OF THE UNIVERSITY OF ALABAMA.

WHEREAS, with enthusiasm and in praise, the Legislature of Alabama extends a cordial welcome to Dr. Joab Thomas as the 26th president of the University of Alabama; and

WHEREAS, Dr. Joab Langston Thomas is returning home to his native Tuscaloosa and to the University he previously served for 14 years, both as faculty member and in administrative capacities; and

WHEREAS, Dr. Thomas' academic credentials are impeccable and his reputation for administrative excellence has long preceded his return to the University; and

WHEREAS, a graduate of Harvard University, where he earned his bachelors, masters and doctoral degrees, Dr. Thomas first associated with the University of Alabama in 1961 as an assistant professor of botany, to be named head of that department in 1965; and

WHEREAS, during his former tenure at Alabama, Dr. Thomas also held positions as assistant dean in the College of Arts and Sciences, dean of Student Development and vice president for Student Affairs; he resigned in 1957 to accept his present position as chancellor of North Carolina State University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly welcome Dr. Joab Langston Thomas as the 26th president of our historic University of Alabama.

BE IT FURTHER RESOLVED, That Dr. Thomas receive a copy of this resolution, tendered in praise and in anticipation of his long and successful tenure as University president.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

#### CONSENT CALENDAR

#### BILLS ON THIRD READING RESUMED

##### The Bill:

S. 30. To recognize the right of an adult person to make a written directive instructing his physician to withhold life-sustaining procedures in the event of a terminal condition; to prescribe the procedure for executing such directive.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 3.

##### Yeas:

Messrs.:	Hall	Kirkland	Parsons
Barron	Hilliard	Martin	Robertson
deGraffenried	Holmes	McDonald	Smith
Goodwin	Keener	Miller	Teague

—15

Nays: Messrs.: Harrison, Little, Taylor.

—3

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Riddick, Hall, Smith (M), Gregg, Smith (J) and Albright (with notice and proof):

H. 685. Relating to Madison County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 685, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Smith (J) and Carter (with notice and proof):

H. 686. To provide that the investigators of the district attorney of the Thirty-ninth Judicial Circuit shall have arrest powers in Limestone County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 686, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Stewart (with notice and proof):

H. 690. To amend Section 1 of Act 80/342 of the 1980 Regular Session and to correctly designate a street name.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 690, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B's 685, 686, and 690. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 173. COMMENDING ROY O. "BUDDY" GILLILAND, ROCKFORD, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed by foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## CONSENT CALENDAR

## BILLS ON THIRD READING RESUMED

The Bill:

S. 174. To regulate the practice of soil classification; to provide for the registration of qualified persons as professional soil classifiers; to designate a state board of registration of soil classifiers; to provide for the appointment and compensation of its members; to fix the terms of the members of the board and to define the powers and duties of the board; to provide the minimum qualifications and other requirements for registration; to establish fees with expiration and renewal requirements; to provide that certain persons shall be exempt from the provisions of this Act; and to provide for the enforcement of this Act and prescribe criminal penalties for its violations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Parsons
Barron	Harrison	Little	Robertson
Britnell	Higginbotham	Martin	St. John
Cook	Holmes	McDonald	Taylor
deGraffenried	Keener	Miller	Teague
Denton	Kirkland	Mitchem	White

—23

*Nays:*

—0

## MOTION IN WRITING

Mr. Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 185, on page 73 of the 14th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 185, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 616. Relating to Jackson County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

Also:

H. 617. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Langston in Jackson County.

Also:

H. 618. To amend Section 1 of Act No. 179, H. 976, 1979 Regular Session (Acts 1979, p. 289), entitled "An Act Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance," so as to provide further for the expense allowances of said circuit clerk and to provide for its retroactive effect.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 177. RESCINDING H. J. R. 132.

Mr. Pearson moved that further consideration of the Resolution, H. J. R. 177, be postponed until the Twenty-Ninth Legislative Day.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (R. G.) (with notice and proof):

H. 648. Relating to Coosa County; enunciating legislative intent; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 648, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.



Also:

By Rep. Johnson (R. G.) (with notice and proof):

H. 649. Relating to Coosa County; providing further for the issuance of pistol permits by the sheriff, the fees therefor and the use of such fees; repealing specifically Act No. 121, H. 22 of the 1971 Regular Session (Acts 1971, p. 204), as amended, entitled, "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census; fixing the fees for issuance of pistol permits by the sheriff and providing for distribution and use of such fees," and repealing conflicting laws.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 649, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Johnson (R. G.) (with notice and proof):

H. 650. To provide that the county commission of Coosa County shall pay all deputy sheriffs a starting salary of \$900.00 per month. The chief deputy shall be entitled to a salary of not less than \$75.00 per month more than a deputy. A sergeant will draw \$30.00 per month more than a deputy.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 650, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Cosby, Edwards and Pegues (with notice and proof):

H. 659. Relating to Dallas County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 659, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Cosby, Edwards and Pegues (with notice and proof):

H. 660. Relating to Dallas County; amending Act No. 136, H. 119, 1967 Regular Session (Acts 1967, p. 187), which provides for the issuance of a pistol permit, so as to increase the fee for said permit.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 660, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

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Also:

By Reps. Cosby, Edwards and Pegues (with notice and proof):

H. 661. Relating to Dallas County; to provide for a continuous system of compensation for election officers.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 661, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Pegues (with notice and proof):

H. 663. Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 663, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Warren (with notice and proof):

H. 665. Relating to Conecuh County; regulating and providing for the payment of compensation of election officers.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 665, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Moore (with notice and proof):

H. 667. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Leeds, in Jefferson County.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 667, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 648, 649, 650, 659, 660, 661, 663, and 665. To the Committee on Local Legislation No. 1.

H. B. 667. To the Committee on Local Legislation No. 2.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sasser:

H. 132. To amend Sections 12-16-100 and 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Also:

By Rep. Owens:

H. 383. To amend Section 40-9-19 of the Code of Alabama 1975, as amended by Act 80-731 of the 1980 Regular Session of the Alabama Legislature relating to homestead exemptions for ad valorem tax purposes for persons 65 years of age or older and disabled or blind so as to prescribe further the amount of exemption.

Also:

By Rep. Clark (G):

H. 503. To promulgate "The Motor Vehicle Franchise Act" in order to provide for the regulation of motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 132. To the Committee on Judiciary.

H. B. 383. To the Committee on Finance and Taxation.

H. B. 503. To the Committee on Commerce, Transportation, and Utilities.

FURTHER CONSIDERATION OF H. J. R. 177

The Senate proceeded to further consideration of the Resolution, H. J. R. 177. The question was on the motion of Mr. Pearson to postpone said Resolution until the Twenty-Ninth Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 675. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in Marengo County.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 675. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (J):

H. 40. To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of a hotel owner, to require hotel owners to install and maintain smoke detectors in their rooms, to further provide for criminal penalties for removing said smoke detectors.

Also:

By Rep Dixon:

H. 496. To amend Section 36-27-23, Code of Alabama 1975, which provides for the membership of the board of control of the state employees' retirement system, so as to provide further for said membership.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 40. To the Committee on Commerce, Transportation, and Utilities.

H. B. 496. To the Committee on Governmental Affairs.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gafford:

H. 284. Relating to the state ethics law for public officers and employees (Title 36, Chapter 25, as amended, Code of Alabama 1975); to amend sections 36-25-1, 36-25-4, 36-25-14 and 36-25-30, Code of Alabama 1975 as amended, which sections relate to definitions, powers and duties of the state ethics commission, the filing of statements of economic interests, and to the construction of said Chapter 25, Title 36, Code of Alabama 1975, as amended, so as to include within the definition of "Public Official" certain persons, firms, or corporations which have contracts with the state, or any agency thereof, which contracts provide for personal or professional services; to require the filing of financial statements by such persons, firms or corporations; to prohibit the state ethics commission from issuing any opinion, ruling or regulation limiting or otherwise affecting campaign or political contributions to candidates for public office or to incumbent public office holders, except to require the reporting of any such contributions in a statement or report to be filed with the commission; and to provide that if any single provision of Chapter 25, Title 36, Code of Alabama 1975, as amended or superseded, is held unconstitutional or invalid by a court having jurisdiction then the entire provisions of said Chapter 25 shall be deemed invalid or unconstitutional and shall, in that event, have no further force or effect of law.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 284. To the Committee on Judiciary.

#### FURTHER CONSIDERATION OF H. J. R. 177

The Senate proceeded to further consideration of the Resolution, H. J. R. 177. The question was on the motion of Mr. Pearson to postpone said Resolution until the Twenty-Ninth Legislative Day.

#### RESOLUTION

Mr. Taylor offered the following Senate Resolution, to-wit:

S. R. 111. MOURNING THE DEATH OF MR. ALEXANDER R. STICKNEY OF MONTGOMERY AND LOWNDES COUNTY, ALABAMA.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey (with notice and proof):

H. 573. Relating to Etowah County; to provide that the county commission must approve any concerts or events for which a license tax is charged pursuant to section 40-12-82 of the Code of Alabama 1975 before such license is issued.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 573, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Sasser and Grimsley (with notice and proof):

H. 641. Relating to Henry County; providing further for the salary of the county superintendent of education and providing for an effective date.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 641, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Sasser and Grimsley (with notice and proof):

H. 642. Relating to Henry County; providing further for the expense allowance of the members of the county board of education.

I hereby Certify That the Notice and Proof is attached to the Bill, H. B. 642, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Sasser and Grimsley (with notice and proof):

H. 643. Relating to Henry County; providing for an expense allowance for the county superintendent of education; repealing Act No. 1169, H. 1854, Regular Session 1971 (Acts 1971, p. 2026); and providing for its retroactive effect.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 643, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Moore (with notice and proof):

H. 668. Relating to Shelby County; amending Act No. 80-408, H. 809, 1980 Regular Session (Acts 1980, p. 567), which provides for voter reidentification in Shelby County, so as to extend the time limit, provide for the compensation of the board of registrars and to make certain provisions of this Act retroactive to the date of the original Act No. 80-408, viz May 8, 1980.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 668, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Coburn and Goodwin (with notice and proof):

H. 669. Relating to Colbert County; fixing the fee of the issuance of pistol permits and providing for the disposition of such fees.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 669, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Coburn and Goodwin (with notice and proof):

H. 670. To repeal Act No. 2454, H. 2806, 1971 Regular Session (Acts 1971, p. 3921), entitled, "An Act Relating to counties having populations of not less than 49,000 nor more than 51,000, according to the most recent federal decennial census; fixing the fee for issuance of pistol permits by the sheriff and providing for distribution and use of such fees.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 670, as required in the General Acts of Alabama, 1975 Act No 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 711. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Steele in St. Clair County.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 711, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 712. Relating to Washington County; providing further for the compensation of the county superintendent of education.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 712, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 573, 641, 642, 643, 668, 669, 670, 711, and 712. To the Committee on Local Legislation No. 1.

#### FURTHER CONSIDERATION OF H. J. R. 177

The Senate proceeded to further consideration of the Resolution, H. J. R. 177. The question was on the motion of Mr. Pearson to postpone said Resolution until the Twenty-Ninth Legislative Day.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner:

H. 714. Proposing an Amendment to the Constitution of 1901 relating to the City of Alabaster in Shelby County; authorizing the municipal governing body to levy an additional ad valorem tax.

Also:

By Reps. Brakefield and Bowling (with notice and proof):

H. 721. Relating to Winston County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 721, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.



Also:

By Rep. Minus (with notice and proof):

H. 730. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violations.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 730, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turner:

H. 735. To repeal Act No. 83, H. 114, 1963 Regular Session (Acts 1963, p. 463), as amended, and Act No. 333, H. 918, 1973 Regular Session (Acts 1973, p. 476), which provide for the compensation of the county superintendent of education in counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 714, 721, 730, and 735. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 714, was read a first time at length as required by the Constitution.)

#### FURTHER CONSIDERATION OF H. J. R. 177

The Senate proceeded to further consideration of the Resolution, H. J. R. 177. The question was on the motion of Mr. Pearson to postpone said Resolution until the Twenty-Ninth Legislative Day.

#### PETITION

Pursuant to the provisions of Senate Rule 21, the following petition was read and ordered spread upon the Journal, to-wit:

We, the undersigned Senators, in accordance with Rule 21 of the Alabama Senate Rules, do hereby petition, and file same with the Secretary of the Senate, that debate shall cease at 3:45 P.M. on the present legislative day, March 26, 1981, and a vote shall then be taken on H. J. R. 177.

Martin; White, Higginbotham, Smith, Barron, deGraffenried, Goodwin, Bailey, Harrison, Glass, Little, Kirkland, Callahan, St. John, Britnell, Keener, Denton, Miller, Lemaster, Taylor, Gullledge, Vacca.

FURTHER CONSIDERATION OF PETITION

Upon completion of debate as prescribed in Senate Rule 21, Mr. Martin moved adoption of the petition to limit debate on H. J. R. 177.

And said motion was lost, for failure to receive the required two-thirds majority.

Yeas 21; Nays 9.

*Yeas:*

Messrs.:	Denton	Keener	St. John
Bailey	Glass	Kirkland	Smith
Barron	Goodwin	Little	Taylor
Britnell	Gulledge	Martin	Vacca
Callahan	Harrison	Miller	White
deGraffenried	Higginbotham		

—21

*Nays:*

Messrs.:	Holmes	Parsons	Robertson
Cook	McDonald	Proctor	Teague
Hall	Mitchem		

—9

FURTHER CONSIDERATION OF H. J. R. 177

The Senate proceeded to further consideration of the Resolution, H. J. R. 177. The question was on the motion of Mr. Pearson to postpone said Resolution until the Twenty-Ninth Legislative Day.

On motion of Mr. Martin, said motion to postpone was laid on the table.

And on motion of Mr. Martin, said Resolution, H. J. R. 177, was then concurred in and adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 297. To define capital offenses; to provide for a sentence of life imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for appellate review of convictions and sentences in cases in which defendants are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions for use in cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary re-interpreted; to provide for severability; to specify the way the act is to be applied if the death penalty provisions of it are declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, § 13-11-1 through § 13-11-9, also codified as § 13A-5-30 through § 13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

The question was on the Pearson amendment No. 6, which said amendment is set out in the Journal of the Senate for the Thirteenth Legislative Day.

On motion of Mr. deGraffenried, said amendment was laid on the table.

And said Bill, H. B. 297, was read a third time at length and passed.

Yeas 31; Nays 3.

*Yeas:*

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	White

—31

*Nays:* Messrs.: Figures, Hilliard, Pearson.

—3

#### RESOLUTION RECONSIDERED

On motion of Mr. White the Senate reconsidered the vote by which the Resolution, H. J. R. 177, was concurred in and adopted.

On motion of Mr. White, said Resolution, H. J. R. 177, was laid on the table.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Sandusky, Harper (T), Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 180. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MICHAEL ANTHONY DONALD.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Figures, the Rules were suspended and the Resolution, H. J. R. 180, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Escott, Bennett, and Waggoner:

H. J. R. 186. CONGRATULATING BIRMINGHAM-SOUTHERN COLLEGE ON ITS 125TH ANNIVERSARY.

Also:

By Reps. McMillan and Penry:

H. J. R. 187. HONORING MRS. RUTH E. OWEN.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 186, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Gulledge, the Rules were suspended and the Resolution, H. J. R. 187, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Buskey, Clark (W), Kennedy, Stewart, Zoghby, Harper (T), Parker, Sandusky, McMillan, Turner, and Bedsole:

H. J. R. 190. HONORING DEACON WILBORN SMITH ON THE OCCASION OF THE 100TH ANNIVERSARY OF HIS BIRTH.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 190, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Venable, Willis and Dial:

H. 261. To propose an amendment to the Constitution of Alabama of 1901 prohibiting the State of Alabama, its political subdivisions, and agencies or instrumentalities of one or more of the foregoing, from issuing securities or obligations for the purpose of acquiring, constructing, improving or otherwise developing any establishment, facility or project to be used primarily in the business of making retail sales of goods or products, or of providing services, to the general public and to be operated primarily for the economic or pecuniary benefit of certain private persons, firms or corporations.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time at length as required by the Constitution and referred to appropriate Standing Committee, as follows:

H. B. 261. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Venable, Willis and Dial:

H. 259. To prohibit the State of Alabama, its political subdivisions, and agencies or instrumentalities or one or more of the foregoing, from issuing securities or obligations for the purpose of acquiring, constructing, improving or otherwise developing any establishment, facility or project to be used primarily in the business of making retail sales of goods or products, or of providing services, to the general public or any significant or recognizable segment thereof and to be operated primarily for the economic or pecuniary benefit of certain private persons, firms or corporations.

Also:

By Reps. Venable, Willis and Dial:

H. 262. To provide that for purposes of assessment and collection of State and local ad valorem taxes, the owner of certain facilities to be acquired (in whole or in part) with the proceeds of securities or obligations issued by the State of Alabama, any of its political subdivisions, or any of certain agencies, instrumentalities or public corporations, shall, after a period of 20 years from the date of issuance of such securities or obligations, be deemed to be the beneficial owner of such facilities and not the state or local subdivision in whom legal title to such facilities may then be vested.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B's 259 and 262. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Venable, Willis and Dial:

H. 260. To require the State of Alabama, every political subdivision thereof, and any agency or corporate or other instrumentality of any one or more of the foregoing, including local boards of education and certain public corporations, authorities and agencies, to submit to the Alabama Securities Commission a written notification of the issuance by such State, subdivision, agency or instrumentality, of bonds, warrants, certificates of indebtedness, notes, or other obligations for borrowed money; and to provide that the failure of any such issuer to provide such written notification shall not affect the validity or legality of such obligations.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 260. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Biddle:

H. 651. Prohibiting any public water supply system, supplying three or more municipalities, and operating from the site of its principal place of business in one county from charging customers in one municipality, or in any unincorporated area within any county at a higher rate for water or for maintenance and use of fire plugs than customers in any other municipality or unincorporated area within the county of its principal place of business; and prescribing penalties for violations.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 651. To the Committee on Governmental Affairs.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey:

H. 39. To amend section 17-6-13 of the Code of Alabama 1975 relating to compensation of election officers, so as to increase such compensation.

Also:

By Reps. Shoemaker, Carothers and Johnson (R. G.):

H. 215. To authorize the investigators of the State Board of Medical Examiners to enforce the provisions of the Alabama Uniform Controlled Substances Act and to grant to such investigators the powers of peace officers in the performance of their duties.

Also:

By Reps. Adams (C), Riddick and Roberts:

H. 425. To prescribe the time within which a prosecution under the competitive bid laws must be commenced.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 39. To the Committee on Finance and Taxation.

H. B. 215. To the Committee on Health and Welfare.

H. B. 425. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner:

H. 166. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

Also:

By Rep. Gafford:

H. 483. To amend Section 36-17-3, Code of Alabama 1975, which relates to powers and duties of the state treasurer, so as to provide further for access to the combination to the state treasury vault, and for the signing of state warrants.

Also:

By Rep. Minus:

H. 499. To amend Act No. 80-529, Acts of Alabama 1980, Section 2(f), now appearing as Chapter 3A, Title 28, Code of Alabama 1975 and also to provide further license fees for clubs.

Also:

By Rep. Biddle:

H. 502. To authorize certain minors to consent to the donation of bone marrow for purposes of bone marrow transplantation and authorize a parent or legal guardian of all other minors to consent to such bone marrow transplantation.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

- H. B. 166. To the Committee on Banking and Insurance.
- H. B. 483. To the Committee on Governmental Affairs.
- H. B. 499. To the Committee on Finance and Taxation.
- H. B. 502. To the Committee on Health and Welfare.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan, Penry, Hines, Turner, Stewart, Parker, Cosby, Mitchell, Cheatwood, Cobb, Zoghby, Bedsole and Harper (T):

H. 585. To provide that certain vehicles may not be operated on the beaches and sand dunes on the Gulf of Mexico along the southern boundary of the State of Alabama; prescribing penalties.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 585. To the Committee on Agriculture, Conservation, and Forestry.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Ray, Sandusky, Venable and Hammett:

H. 414. To amend Chapter 18 of Title 40, Code of Alabama 1975, to provide for the collection of debts owed to the State by setoff of such debts against income tax refunds; to define terms; to prescribe procedures for such setoff; to provide for hearings and appeals in contested cases; to permit the department of revenue to transfer an amount equal to income tax refunds to a claimant agency for the purpose of offsetting such refunds against debts owed to the claimant agency; to provide an effective date; to repeal conflicting laws; and for other purposes.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 414. To the Committee on Governmental Affairs.

## REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 110.

S. B. 165.

Delivered to the Governor March 17, 1981, at 1:45 P.M.

S. B. 6.

Delivered to the Secretary of State March 17, 1981, at 1:50 P.M.

S. J. R. 52.

Delivered to the Governor March 17, 1981, at 1:45 P.M.

S. B. 101.

S. B. 318.

Delivered to the Governor March 17, 1981, at 4:30 P.M.

S. J. R. 77

S. J. R. 87.

S. J. R. 86.

Delivered to the Governor March 19, 1981, at 1:15 P.M.

S. J. R. 70.

S. J. R. 71.

S. J. R. 76.

S. J. R. 78.

S. J. R. 79.

S. J. R. 80.

S. J. R. 81.

S. J. R. 82.

S. J. R. 84.

S. J. R. 85.

S. J. R. 88.

S. J. R. 89.

S. J. R. 90.

S. J. R. 91.

S. J. R. 92.

Delivered to the Governor March 24, 1981, at 4:45 P.M.

S. B. 154.

Delivered to the Secretary of State March 24, 1981, at 4:50 P.M.

S. B. 392.

Delivered to the Governor March 26, 1981, at 11:30 A.M.

McDOWELL LEE,  
Secretary.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### ADJOURNMENT

At 3:55 P.M., on motion of Mr. White, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, March 31, 1981, at 1 o'clock p.m.

## FIFTEENTH LEGISLATIVE DAY

TUESDAY, MARCH 31, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend David McVay, Pastor, Notasulga United Methodist Church, Notasulga, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Hilliard	Parsons	Weeks
Denton	Holmes	Pearson	White
Figures	Keener	Proctor	

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## JOURNAL

On motion of Mr. Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fourteenth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Teague, leave of absence was granted Mr. Lemaster for today.

## MOTION TO ADJOURN

Mr. Keener moved that when the Senate adjourns today, it adjourn to meet on Thursday, April 2, 1981, at 11 o'clock A.M., which motion was adopted.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 112. BE IT RESOLVED BY THE SENATE in accordance with Act 79-542 as amended the following bills in order named shall be the special, paramount and continuing order of business:

BILL NO.	PAGE	DESCRIPTION
H. B. 92	80	State Bd. of Bar Examiners
H. B. 93	81	Bd. of Dental Scholarship Awards
H. B. 94	81	Bd. of Medical Scholarship Awards
H. B. 95	82	State Pilotage Commission
H. B. 96	82	State Real Estate Commission
H. B. 105	89	State Bd. of Registration for Sanitarians
H. B. 107	89	AL Yacht Club Association
H. B. 98	84	AL Bd. of Funeral Services
H. B. 99	85	AL Bd. of Examiners of Mine Personnel
H. B. 106	112	AL Bd. of Social Work Examiners
H. B. 108	113	To terminate the state agency for social security and its adv. bd.
H. B. 100	85	AL Bd. of Polygraph Examiners
H. B. 101	87	AL Bd. for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons
H. B. 103	88	AL Bd. of Speech Pathology and Audiology
H. B. 102	87	AL Bd. of Veterinary Medical Examiners
H. B. 97	83	AL Bd. of Auctioneers
H. B. 104	112	Bd. of Cosmetology

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 284. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 284, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE AMENDMENT TO S. B. 284

Amend Senate Bill 284, Section 1, Page 2, Line 13, after the stricken language by deleting the following:

Effective April 1, 1981, each of the above rates shall increase by an amount equal to fifteen per cent (15%).

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Smith	
Callahan	Hall	Mitchem	Taylor	
deGraffenried	Holmes	Pearson	Teague	
Figures	Keener	Proctor	White	
Goodwin	Kirkland	St. John		—18

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 297. To define capital offenses; to provide for a sentence of life imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for appellate review of convictions and sentences in cases in which defendants are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions for use in cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary re-interpreted; to provide for severability; to specify the way the act is to be applied if the death penalty provisions of it are declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, § 13-11-1 through § 13-11-9, also codified as § 13A-5-30 through § 13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 180. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MICHAEL ANTHONY DONALD.

Also:

H. J. R. 186. Congratulating Birmingham-Southern College on its 125th Anniversary.

Also:

H. J. R. 187. HONORING MRS. RUTH E. OWEN.

Also:

H. J. R. 190. HONORING DEACON WILBORN SMITH ON THE OCCASION OF THE 100th ANNIVERSARY OF HIS BIRTH.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Biddle:

H. J. R. 196. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That when we adjourn today, Tuesday, March 31, 1981, we adjourn to meet again on Thursday, April 2; when we adjourn on Thursday, April 2, we adjourn to meet again on Tuesday, April 7; when we adjourn on Tuesday, April 7, we adjourn to meet again on Wednesday, April 8; and when we adjourn on Wednesday, April 8, we adjourn to meet again on Tuesday, April 14, 1981.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 196, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Drinkard, Cabaniss, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 198. DEPLORING THE ATTEMPTED ASSASSINATION  
OF PRESIDENT RONALD REAGAN.

WHEREAS, the Legislature has been deeply shocked and is even yet stunned by the reprehensible attack on the life of President Ronald Reagan; and

WHEREAS, on March 30, 1981, the entire nation was rendered helpless in disbelief as it anxiously awaited word that our president was unharmed; and

WHEREAS, when we later learned that President Reagan had indeed been wounded, we were fiercely angered people in our realization that the unthinkable had again occurred in our great nation; and

WHEREAS, our prayerful vigilance during our president's surgery has been rewarded by the joyous news that Mr. Reagan is in excellent condition and that the prognosis is highly favorable for total recovery from his wounds; and

WHEREAS, even as we rejoice in this news, we utterly condemn the actions of a man who would wantonly destroy a life and in so doing gravely injured not only our president but three other innocent men who were felled by the bullets fired by a vicious madman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in condemnation of this tragedy but in thankfulness that his life has been spared, we earnestly beseech that our president soon will be fully recovered from his wounds.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Ronald Reagan that he and his family may know of our shared concern for his well-being and of our warm best wishes for a speedy recovery.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 198, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Messrs. Cook and Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 113. MEMORIALIZING THE UNITED STATES CONGRESS TO ADOPT A CONSTITUTIONAL AMENDMENT CONCERNING THE ASSASSINATION OF CERTAIN PUBLIC OFFICIALS.

WHEREAS, our country has suffered the political, emotional and financial pain of assassinations and assassination attempts on our chief government officers; and

WHEREAS, this threat to our democratic way of life must be dealt with swiftly and harshly; and

WHEREAS, this legislative body believes steps must be taken to ensure the safety of the leader of our country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature memorializes the United States Congress to enact a constitutional amendment regarding the assassination of certain public officials. Said amendment shall require that all persons attempting to kill or harm the President, Vice President, a presidential candidate or a vice presidential candidate of the United States or those government officials and employees who accompany them shall be tried before the United States Supreme Court, with said court being the court of original jurisdiction. The accused shall be tried within 60 days. If found guilty by a majority of the United States Supreme Court, the defendant shall be executed within 90 days.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to the President, Vice President, Speaker of the U. S. House of Representatives, and each member of the Alabama U. S. Congressional Delegation.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Robertson and Holmes offered the following Senate Joint Resolution, to-wit:

S. J. R. 114. WISHING PRESIDENT REAGAN A SPEEDY RECOVERY FROM INJURIES INFLICTED BY A MURDEROUS ATTACKER.

WHEREAS, our nation yet again has suffered the trauma of a savage attack upon the life of the President of the United States; and

WHEREAS, on March 30, 1981, following an explosion of gunfire, not only was President Ronald Reagan seriously injured but three other innocent persons fell victim to a vicious criminal's murderous attack; and

WHEREAS, such despicable action as this gives credibility to a rising concern that ours is a sick society and that such a degenerate who would stalk



and kill without compassion or conscience is a product of a drug oriented culture that has become permissive in its tolerance of crime and the criminal; and

WHEREAS, thankfully, the life of our President was spared and we are prayerfully hopeful that his recovery will be rapid so that he may soon enjoy good health once again; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely and very warmly wish a speedy and complete recovery for President Ronald Reagan.

BE IT FURTHER RESOLVED, That we deeply regret the abominable attack upon the President's life and direct that he be notified, by copy of this resolution, of our care and concern for him and his family during this trying time in their lives.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Holmes, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 115. NAMING THE HOME OF MR. AND MRS. GERALD WILLIS, LOCATED IN NANCEYS CREEK COMMUNITY OF CALHOUN COUNTY, "THE ALABAMA HERMITAGE."

WHEREAS, Representative and Mrs. Gerald Willis have recently completed a new home near Piedmont, Alabama, which is almost an exact duplicate of the original Hermitage in Nashville, Tennessee, the home of former United States President, Andrew Jackson; and

WHEREAS, gracefully situated in a lovely valley in the area where both Francis and Gerald Willis were born, the new home is the fulfillment of a dream toward which the Willises have worked and planned since their marriage some twenty years ago; and

WHEREAS, in appreciation of the beauty of President Jackson's Hermitage, Mr. and Mrs. Willis built their home in replica with changes only in the thickness of the walls to accommodate seven baths and in modernization of the kitchen; and

WHEREAS, this near total duplication extends to include landscaping and even inside fixtures and furnishings, many of which were hand made by artisans to specifications of those in the Hermitage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to the achievement of Francis and Gerald Willis and in gratitude for their gift in replica of historic early America to the State of Alabama, we hereby name and designate their home, located five miles South of Piedmont, Alabama, on Highway 9, in the Nanceys Creek community of Calhoun County, "The Alabama Hermitage."

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate display in the home of our good friends, Representative and Mrs. Gerald Willis.

REGULAR SESSION  
15th Day

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On motion of Mr. Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to a reappointment to the Personnel Board.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 31st day of March, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, the following:

Dr. Velma L. Blackwell, Tuskegee Institute, Alabama Term expiring January 2, 1987 as a member of the Personnel Board.

Respectfully,

FOB JAMES,  
Governor.

Done this 31st day of March, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Personnel Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alcoholic Beverage Control Board.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 31st day of March, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. John Blue, III, Huntsville, Alabama; Term expiring February 10, 1987 as a member of the Alcoholic Beverage Control Board.

Respectfully,

FOB JAMES,  
Governor.

Done this 31st day of March, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Board of Landscape Architects.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 31st day of March, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Frederick J. Rux Mobile, Alabama (replacing Mr. Robert Bateman, resigned); Term expiring January 3, 1982, Mr. Eugene C. Brock, Montgomery, Alabama (reappointed); Term expiring January 3, 1984 as members of the Board of Landscape Architects.

Respectfully,

FOB JAMES,  
Governor.

Done this 31st day of March, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Landscape Architects, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

H. J. R. 200. HONORING MARY AUTREY.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Denton, the Rules were suspended and the Resolution, H. J. R. 200, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 284. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

ALBERT McDONALD,  
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

LOCAL BILLS ON THIRD READING

The Bill:

S. 461. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Proctor	
Bailey	Glass	McDonald	St. John	
Barron	Goodwin	Miller	Smith	
Britnell	Hall	Mitchem	Teague	
Callahan	Holmes	Parsons	Weeks	
Cook	Kirkland	Pearson	White	
Denton	Little			—25

*Nays:* —0

Mr. Holmes was granted permission to have his name added as co-sponsor of the above Bill.

The Bill:

H. 137. Relating to Sumter County; prescribing certain limitations on procedures for extending the corporate limits and boundaries of incorporated municipalities in said county.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 138. Relating to Choctaw County; to provide for the replacement of casings in certain wells located in the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Parsons	Vacca	
Cook	Holmes	Pearson	Weeks	
Denton	Keener	Proctor	White	
Figures	Little			—25

*Nays:* —0

The Bill:

REGULAR SESSION  
15th Day

575

H. 139. Relating to Sumter County; to provide for the replacement of casings in certain wells located in the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures	Little		

—25

*Nays:* —0

The Bill:

H. 316. Relating to the city of Scottsboro in Jackson County; to authorize the city governing body to establish a historic preservation commission and to adopt ordinances and regulations to protect historic architectural character and preserve the general historic character of the city by allowing the designation of historic districts, areas, and sites and adopting other provisions necessary to carry out the purposes of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Glass	Martin	Taylor
Barron	Goodwin	McDonald	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Hilliard	Pearson	Weeks
Cook	Holmes	Proctor	White
Denton	Keener		

—25

*Nays:* —0

The Bill:

H. 420. Relating to Fayette County; to provide further for the compensation of certain election officers.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Miller	Smith
Bailey	Hall	Mitchem	Taylor
Britnell	Hilliard	Parsons	Teague
Cook	Holmes	Pearson	Vacca
Denton	Keener	Proctor	Weeks
Figures	Little	St. John	White
Glass	Martin		

—25

*Nays:* —0

## The Bill:

H. 567. Relating to Marion County; to provide for additional per diem payments to each member of the Board of Equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Goodwin	McDonald	Smith	
Bailey	Hall	Miller	Taylor	
Britnell	Hilliard	Mitchem	Teague	
Cook	Holmes	Parsons	Vacca	
Denton	Keener	Proctor	Weeks	
Figures	Little	St. John	White	
Glass	Martin			—25

## Nays:

—0

## The Bill:

H. 568. To repeal Act No. 158, 1969 Special Session, and Act No. 950, 1969 Regular Session, relating to compensation and expense allowances paid to the board of equalization in counties with a population of not less than 13,700 nor more than 14,300 inhabitants.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	Miller	Taylor	
Britnell	Hall	Mitchem	Teague	
Cook	Hilliard	Parsons	Vacca	
Denton	Holmes	Proctor	Weeks	
Figures	Keener	St. John	White	
Glass	Little			—25

## Nays:

—0

## The Bill:

H. 569. Relating to Lamar County; providing for the amount of compensation to be paid members of the jury commission, board of equalization and the board of registrars.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Gulledge	Miller	Smith	
Bailey	Hall	Mitchem	Taylor	
Britnell	Holmes	Parsons	Teague	
Cook	Keener	Pearson	Vacca	
Denton	Little	Proctor	Weeks	
Glass	Martin	St. John	White	
Goodwin	McDonald			—25

Nays:

—0

The Bill:

H. 587. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Elmore County shall have or exercise police jurisdiction within Elmore County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Elmore County or over or on any person in Elmore County or property or business or trade or profession in Elmore County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Elmore County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Elmore County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Proctor
Bailey	Gulledge	McDonald	St. John
Barron	Harrison	Miller	Taylor
Britnell	Hilliard	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Little		

—25

Nays:

—0

#### RESOLUTION

Mr. Weeks offered the following Senate Resolution, to-wit:

S. R. 116. COMMENDING TROY STATE UNIVERSITY GRADUATE, MRS. OLLIE HARDEN KING.

Which was adopted.

#### REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor (with notice and proof):

S. 483. To authorize the Wilcox County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering wine to retailers in Wilcox County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

By Mr. Higginbotham (with notice and proof):

S. 506. To exempt the Chattahoochee Valley Hospital Society from the payment of all county and municipal sales and use taxes.



By Messrs. Little and Higginbotham (with notice and proof):

S. 507. Relating to Chambers County; providing for an additional allowance for election officials who work at polling places.

By Messrs. Little and Higginbotham (with notice and proof):

S. 508. Relating to Lee County; providing for an additional allowance for election officials who work at polling places.

By Rep. Pegues (with notice and proof):

H. 663. Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. White (With Substitute):

S. 490. To amend Section 34-9-6, Section 34-9-7, Section 34-9-9, Section 34-9-18, Section 34-9-19, Section 34-9-20, Section 34-9-42, Section 34-9-43, and Section 34-9-46, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Holmes:

S. 343. To amend Section 22-14-16 of the Code of Alabama 1975, relating to the prohibition of storing, depositing or dumping nuclear spent fuel or other radioactive waste which is generated outside Alabama, so as to provide for the exception of such material or waste used in Alabama.

By Reps. Shoemaker, Carothers and Johnson (R. G.):

H. 215. To authorize the investigators of the State Board of Medical Examiners to enforce the provisions of the Alabama Uniform Controlled Substances Act and to grant to such investigators the powers of peace officers in the performance of their duties.

By Reps. Johnson (R. G.) and Carothers:

H. 217. To be known as a Third Party Prescription Program Act, establishing the rights and responsibilities of parties engaged in third party prescription programs; defining certain terms; providing for notice procedures, cancellation procedures, provisions to be included in contractual

agreements pertaining to third party prescription programs; outlining conditions under which payment by the program administrator to the pharmacy may or may not be denied; establishing reimbursement rates; providing exceptions and repealing all conflicting laws.

By Rep. Biddle:

H. 502. To authorize certain minors to consent to the donation of bone marrow for purposes of bone marrow transplantation and authorize a parent or legal guardian of all other minors to consent to such bone marrow transplantation.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Minus (with notice and proof):

H. 140. Relating to Sumter County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

By Rep. Minus (with notice and proof):

H. 730. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority and providing penalties for violations.

By Reps. Coburn and Goodwin (with notice and proof):

H. 669. Relating to Colbert County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

By Reps. Coburn and Goodwin (with notice and proof):

H. 670. To repeal Act No. 2454, H. 2806, 1971 Regular Session (Acts 1971, p. 3921), entitled, "An Act Relating to counties having populations of not less than 49,000 nor more than 51,000, according to the most recent federal decennial census; fixing the fee for issuance of pistol permits by the sheriff and providing for distribution and use of such fees.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gulledge (With Substitute):

S. 246. To amend Section 5-19-30, Code of Alabama 1975, which imposes penalties on unlicensed persons making credit sales and repeals Sections 5-19-2, 5-19-27 and 5-19-28, Code of Alabama 1975, so as to abolish the Consumer Protection Council.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John

S. 364. To further regulate interest rates on life insurance policy loans and to provide for any conflicts between the provisions of this bill and Section 27-15-5, Code of Alabama 1975.

By Mr. Hall:

S. 448. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

By Messrs. Mitchem, deGraffenried, Barron and White:

S. 452. To provide that the state agencies, departments, boards or commissions may purchase liability insurance or be the self-insuror of the wrongful acts or omissions committed by their employees, agents, or servants while in the performance of their official duties in the line and scope of their employment; to establish the procedure for notification of the state Attorney General of suits against state employees for acts committed in the line and scope of their performance; and to provide that the charges or costs of such liability insurance or self insurance shall be borne from the general operating funds of the various state agencies, boards, commissions or departments.

By Mr. Callahan:

S. 518. This bill provides for the certification of manufactured buildings; to provide for the regulation, administration and enforcement of the provisions of this Act by the Alabama State Fire Marshal and to provide penalties for violations of this Act or any rule or regulation promulgated hereunder.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Miller:

S. 43. To provide that medical hospitals for humans, emergency rooms connected thereto, and nursing homes, submit itemized statements, upon request, to patients, of services rendered by said institutions and to provide penalties for failure to submit said statements.

By Mr. Miller:

S. 91. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits retired probate judges from practicing law.

By Mr. Martin:

S. 180. To authorize and make provision for any county or any department, board, bureau, commission or agency of any county, whether incorporated or not, or any county public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any county, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or

private donor; to empower and authorize each county and each such county public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations, to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; to provide that an issuer of securities shall be free from state supervision and control and from the provisions of Chapter 8, Title 11, CODE OF ALABAMA 1975; and to authorize counties and such county public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such county or such county public corporation under authority of laws other than this act.

By Mr. Martin:

S. 181. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality, and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality, such agency or such municipal public corporation under authority of laws other than this act.

By Mr. Bailey (With Amendment):

S. 276. To amend Sections 27-8-1 through 27-8-9, 27-8-11 through 27-8-17, 27-8-20 through 27-8-22, and 27-8-26 through 27-8-28, Code of Alabama 1975, which provide for the licensing of life and disability insurance agents, brokers and representatives, so as to provide further for said licensing; to require educational instruction for new representatives; to permit the licensing of partnerships and corporations; to establish a fee schedule for licenses; to provide further for revocation or suspension of licenses and the procedure thereof; and to further provide for the issuance of temporary and non-resident licenses.

By Mr. Hall:

S. 266. To amend further section 16-13-52, Code of Alabama 1975, relating to apportioning the school minimum program fund, so as to provide that the number of teacher units to be allowed shall be based on average daily membership rather than average daily attendance and one teacher unit shall be allowed for each 29.6 pupils enrolled.

By Messrs. Hall and White:

S. 369. To provide that the receipt of veterans' benefits is not counted as income when determining eligibility for medicaid benefits as a patient in a nursing home.

By Mr. Bailey (With Amendment):

S. 236. To provide for a Life and Disability Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 150. To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

Also:

S. 331. To amend Section 2-8-9 and repeal Section 2-8-14 of the Code of Alabama 1975 providing for a promotional program for the production, marketing, use and sale of cattle so as to further provide for the length of the period of assessment after a referendum on that subject and to repeal provisions providing for an election by cattle owners not to pay an assessment.

JOHN W. PEMBERTON,  
Clerk.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 92. Relating to the continued existence and functioning of the State Board of Bar Examiners provided for in Sections 34-3-1 through 34-3-108 of the Code of Alabama 1975, as amended, specifically in Sections 34-3-2 and 34-3-40.

And said Bill, H. B. 92, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Robertson
Barron	Hall	Martin	Smith
Britnell	Higginbotham	McDonald	Vacca
Callahan	Holmes	Miller	Weeks
Cook	Keener	Proctor	White
deGraffenried			—20

*Nays:* —0

The Bill:

H. 93. Relating to the continued existence and functioning of the Board of Dental Scholarship Awards provided for in Sections 16-47-76 through 16-47-81 of the Code of Alabama 1975, and as otherwise provided by law.

was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Robertson
Barron	Goodwin	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Higginbotham	McDonald	Weeks
Cook	Holmes	Miller	White
deGraffenried			—20

*Nays:* —0

The Bill:

H. 94. Relating to the continued existence and functioning of the Board of Medical Scholarship Awards provided for in Sections 16-47-121 through 16-47-129 of the Code of Alabama 1975, and as otherwise provided by law.

was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Robertson	
Barron	Gulledge	Little	St. John	
Britnell	Hall	Martin	Smith	
Callahan	Higginbotham	McDonald	Teague	
Cook	Hilliard	Miller	White	
deGraffenried	Holmes			—21

*Nays:* —0

The Bill:

H. 95. Relating to the continued existence and functioning of the State Pilotage Commission provided for in Sections 33-4-1 through 33-4-57 of the Code of Alabama 1975, and as otherwise provided by law.

was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Holmes	St. John	
Barron	Gulledge	Kirkland	Smith	
Britnell	Hall	Little	Taylor	
Cook	Higginbotham	Martin	Teague	
deGraffenried	Hilliard	McDonald		—18

*Nays:* —0

The Bill:

H. 96. Relating to the continued existence and functioning of the State Real Estate Commission provided for in Sections 34-27-1 through 34-27-38 of the Code of Alabama 1975.

was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Smith	
Barron	Higginbotham	Martin	Taylor	
Callahan	Holmes	McDonald	Weeks	
Goodwin	Keener	Miller	White	
Gulledge	Kirkland	Parsons		—18

*Nays:* —0

The Bill:

H. 105. To terminate the existence and functioning of the State Board of Registration for Sanitaricians, and to transfer its training funds or monies, duties and functions to the State Health Department.

was taken up.

Mr. Smith offered the following amendment to the Bill, H. B. 105, to-wit:

AMENDMENT TO H. B. 105

Amend House Bill 105, page 1, line 34, by striking the following: and further recommends that all functions, duties and responsibilities of the board be transferred to the State Board of Health;.

Further amending House Bill 105, page 2, line 10, by striking Section 3 in its entirety and substituting in lieu thereof the following: Sections 34-28-1 through 34-28-45 of the Code of Alabama, 1975, are hereby repealed.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Smith
Barron	Higginbotham	McDonald	Teague
Cook	Holmes	Miller	Weeks
deGraffenried	Keener	Parsons	White
Gulledge	Kirkland	Pearson	—18

*Nays:* —0

And said Bill, H. B. 105, as thus amended, was read a third time at length and passed.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Parsons
Barron	Hall	Little	Smith
Callahan	Higginbotham	Martin	Taylor
Cook	Holmes	Miller	Weeks
deGraffenried	Keener	Mitchem	White
			—19

*Nays:* —0

The Bill:

H. 107. To repeal Sections 10-4-360 through 10-4-364 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Yacht Club Association and to provide for an effective date.

was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Parsons
Barron	Hall	Little	St. John
Britnell	Harrison	Martin	Smith
Callahan	Higginbotham	McDonald	Teague
Cook	Holmes	Miller	Weeks
Goodwin	Keener	Mitchem	White
			—23

*Nays:* —0



## The Bill:

H. 98. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Services as provided in Sections 34-13-1 through 34-13-134 and Sections 34-13-150 through 34-13-152 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-13-4, 34-13-10, 34-13-23, 34-13-28, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131; and to repeal Section 34-13-30 of the Code of Alabama 1975 so as to: Eliminate the requirement of the board to distribute statutes and regulations each four years and instead distribute only upon request; declare certain violations as misdemeanors and allow appropriate prosecution; provide further clarification concerning travel expenses of the board; require annual reporting to the Governor and to the Legislature instead of to the Secretary of State; authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; distribute directory of licensees only on request instead of annually; lower minimum age and educational requirements for funeral director and embalmer apprentices; require apprentice time to be supervised; and to repeal a provision of law which transferred funds to the board from its predecessor board, the purpose of which has been served.

was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Smith	
Bailey	Gulledge	Kirkland	Taylor	
Barron	Hall	Little	Teague	
Britnell	Harrison	Martin	Weeks	
deGraffenried	Higginbotham	Mitchem	White	
Denton	Holmes	St. John		—22

*Nays:* —0

## The Bill:

H. 99. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners of Mine Personnel as provided in Sections 25-9-9 through 25-9-18, Code of Alabama 1975, as amended, with certain modifications; to amend Sections 25-9-9 and 25-9-10 of the Code of Alabama 1975, so as to: Authorize the board to increase examination fees not to exceed \$20.00; and to authorize per diem for board members up to the maximum allowed for state employees.

was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	St. John	
Barron	Gulledge	Little	Smith	
Britnell	Hall	Miller	Taylor	
Cook	Higginbotham	Mitchem	Weeks	
deGraffenried	Holmes	Parsons	White	
Denton	Keener	Robertson		—22

*Nays:* —0

The Bill:

H. 106. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Social Work Examiners as provided in Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, with certain modifications; to amend Section 34-30-26 of the Code of Alabama 1975, so as to specifically provide that failure to actively practice social work shall not be a basis for denying a license renewal provided all fees are paid.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, H. B. 106, to-wit:

COMMITTEE AMENDMENT TO H. B. 106

Amend House Bill 106, page 2, line 34, by inserting the following new Section 5:

"Section 5. This Board shall be reviewed by the Sunset Committee for the legislative year 1982."

Further amend by renumbering the remaining sections accordingly.

Which was adopted.

Yeas 19; Nays 1.

*Yeas:*

Messrs.:	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Holmes	Miller	Taylor
Cook	Keener	Mitchem	Weeks
Denton	Kirkland	Parsons	White

—19

*Nay:* Mr. Robertson. —1

And said Bill, H. B. 106, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 2.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Parsons
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Holmes	Miller	Taylor
Denton	Keener	Mitchem	Weeks
Figures			

—20

*Nays:* Messrs.: Robertson and White. —2

The Bill:

H. 108. To terminate the state agency for social security, and its advisory board, created by Section 36-28-3, Code of Alabama 1975, and to transfer the functions, duties and responsibilities, including any federal contractual obligations, to the state retirement systems; to provide that all monies

collected by the board, and thereafter by the retirement systems, shall be transferred to the state treasury and that any accrued interest thereon shall be credited to the state general fund, and to provide that the provisions hereof shall become effective September 30, 1981.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, H. B. 108, to-wit:

#### COMMITTEE SUBSTITUTE FOR H. B. 108

##### A BILL TO BE ENTITLED AN ACT

To continue the creation and operation of the state agency for social security, and its advisory board, created by Section 36-28-3, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. The state agency for social security and the state social security advisory board created by Section 36-28-3, Code of Alabama 1975, which together comprise the state agency for social security, and which are functioning pursuant to Sections 36-38-1 through 36-28-10, Code of Alabama 1975, are hereby continued.

Section 2. Sections 36-28-1 through 36-28-10, Code of Alabama 1975, are hereby continued.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### MOTIONS IN WRITING

Mr. Kirkland offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 32, on page 107 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 32, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Hall offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 475, on page 121 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 475, referred to the Standing Committee on Rules for placement on the Consent Calendar.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Pearson:

S. 533. To make appropriations for the support and maintenance of the Tuskegee Institute.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 534. To make appropriations for the support and maintenance of the Marion Military Institute.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 535. To make appropriations for the support and maintenance of the Talladega College.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 536. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 537. To make appropriations for the support and maintenance of the Walker County Junior College.

Committee on Finance and Taxation.

By Mr. Cook (with notice and proof):

S. 538. To supplement the salaries of the Circuit Judges of the Tenth Judicial Circuit.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 538 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Teague:

S. 539. To provide that all entities engaged in the sale of petroleum products file a specified declaraton with the commissioner of revenue; to provide that no producer or refiner of petroleum products shall open or operate a retail service station after certain specified dates with reasonable exceptions to the specified dates as allowed by the department of revenue; to provide that if discounts are offered, they must be offered on a nondiscriminatory basis.

Committee on Commerce, Transportation,  
and Utilities

By Mr. Teague:

S. 540. To amend Section 23 of the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980 now appearing as § 28-3A-23, Code of Alabama 1975, by deleting the residence requirements relating to wholesale licenses.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Teague:

S. 541. To amend Section 28-4-287, Code of Alabama 1975, to prohibit any defendant or claimant who has been convicted of violating any prohibition law of this state within the last five years of any claimant or defendant who owned a vehicle which has been condemned within the last five years from executing a bond to retain possession of the vehicle pending the trial court ruling.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Vacca:

S. 542. To amend Code of Alabama 1975, Section 34-23-70, which regulates the practice of pharmacy by amending such law to allow pharmacist to utilize trained employees to prepare prescription labels under the supervision of the pharmacist.

Committee on Health and Welfare.

By Mr. White:

S. 543. To provide that in the event the National Health Planning and Resources Development Act of 1974 (P.L. 93-641) is repealed, or is not reauthorized by Congress, the following sections of the Code of Alabama, 1975, as amended, shall be repealed effective upon the last day of the Regular Session of the Alabama Legislature next following the repeal of P.L. 93-641: § 22-21-260, § 22-21-261, § 22-21-263, § 22-21-264, § 22-21-265, § 22-21-266, § 22-21-267, § 22-21-268, § 22-21-269, § 22-21-270, § 22-21-271, § 22-21-272, § 22-21-274, § 22-21-275, § 22-21-276, § 22-21-277, § 22-4-1, § 22-4-2, § 22-4-3, § 22-4-4, § 22-4-5, § 22-4-6, § 22-4-7, § 22-4-8, § 22-4-9, § 22-4-10, § 22-4-11, § 22-4-12, § 22-4-13, and § 22-4-17.

Committee on Health and Welfare.

By Mr. Callahan:

S. 544. To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by majority vote of members attending a meeting called to consider conversion.

Committee on Banking and Insurance.

By Mr. Callahan:

S. 545. To amend further Section 9-17-1(14)(15) and Section 9-17-12 of the Code of Alabama, 1975, relating to the establishment of multi-well production units.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Callahan:

S. 546. To provide that any member of the judicial retirement fund shall be entitled to purchase prior service credit toward retirement for certain time served as a Law Clerk for a Justice or Judge in the Supreme Court of Alabama, the Criminal Court of Appeals, or the Civil Court of Appeals.

Committee on Finance and Taxation.

By Mr. Little (with notice and proof):

S. 547. Relating to Randolph County; providing for an additional allowance for election officials who work at polling places.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 547 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Vacca (with notice and proof):

S. 548. Relating to Jefferson County; to provide that the executive assistant to the sheriff shall be entitled to any cost-of-living pay increases, merit raises and longevity pay in the same manner as other county employees; and to make this act retroactive to May 23, 1977.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 458 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. McDonald:

S. 549. To authorize and provide for the promotion of the production, marketing, use and sale of cotton and cotton products by research, education, advertising and other methods; to prescribe a method whereby cotton producers may act jointly with handlers, buyers, processors, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may be referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the cotton producers of Alabama; to provide for the

administration thereof by a commission, council, board or other agency or a nonprofit association which is fairly and substantially representative of the producers of cotton throughout the state; to provide for collection and distribution of assessments by dealers, handlers and buyers of cotton; to require an annual permit of such dealers, processors and other buyers; and to prescribe other administrative, enforcement, promotional and penalty provisions.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. St. John:

S. 550. To provide that the Board of Trustees of the University of Alabama, at its discretion, may continue the employment of employees 70 years of age or older; and to repeal conflicting laws.

Committee on Governmental Affairs.

By Mr. Pearson:

S. 551. To provide that full-time employees and executive officers of the Alabama Congress of Parents and Teachers, Inc., may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Congress and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 552. To amend section 8-8-10 of the Code of Alabama 1975, relating to interest on money judgements and certain costs, so as to further provide for the rate and computation of such interest.

Committee on Judiciary.

By Mr. St. John:

S. 553. To amend Section 11-50-393, Code of Alabama 1975, so as to authorize an increase in the fees payable to members of the board of directors; to provide for the election of a chairman of the board of directors; to provide an effective date.

Committee on Governmental Affairs.

By Mr. Callahan:

S. 554. To amend section 11-50-345, Code of Alabama 1975 so as to remove the maximum interest rate of ten (10%) percent per annum on the bonds authorized in that section to be issued by a board of water and sewer commissioners created under the provision of article 10, chapter 50, Title 11, Code of Alabama 1975 and otherwise to exempt such bonds from State usury laws, including, without limitation, Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import.

Committee on Finance and Taxation.

## RESOLUTION

Mr. Weeks offered the following Senate Resolution, to-wit:

S. R. 117. HONORING COACH DWIGHT SANDERSON OF NOTASULGA HIGH SCHOOL.

Which was adopted.

FURTHER CONSIDERATION OF H. B. 108

The Senate proceeded to further consideration of the Bill, H. B. 108. The question was on the substitute offered by the Standing Committee on Governmental Affairs.

MOTION IN WRITING

Mr. Callahan offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 314, on page 131 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 314, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 492. Relating to Cleburne County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Also:

H. 493. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated by expended exclusively for the enforcement of drug and controlled substances laws.

Also:

H. 494. Relating to Cleburne County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Also:

H. 495. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Also:

H. 575. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide



for the continuation of the present fee schedule for the 1981 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year; to provide that the first fee schedule shall also be the fee schedule for the 1981 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF H. B. 108

The Senate proceeded to further consideration of the Bill, H. B. 108. The question was on the substitute offered by the Standing Committee on Governmental Affairs.

Mr. White moved that said substitute be laid on the table, which motion was lost.

Yeas 1; Nays 17.

Yea: Mr. White.

—1

Nays:

Messrs.:	Denton	Keener	Parsons
Bailey	Gulledge	Kirkland	St. John
Barron	Hall	Little	Taylor
Britnell	Hilliard	Mitchem	Teague
deGraffenried	Holmes		

—17

Mr. White then offered the following amendment to the substitute for the Bill, H. B. 108, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR H. B. 108

Amend Senate Committee Substitute to H. B. 108 Page 1, Line 32, by striking out Section 4 and inserting Sept. 30, 1983.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 100. HONORING MR. CHARLES W. BECKER UPON HIS RETIREMENT AS ASSISTANT TO THE COMPTROLLER OF THE STATE OF ALABAMA.

Also:

S. J. R. 109. EXPRESSING APPRECIATION TO DR. HOWARD GUNDY OF THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 110. WELCOMING DR. JOAB THOMAS AS PRESIDENT OF THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 114. WISHING PRESIDENT REAGAN A SPEEDY RECOVERY FROM INJURIES INFLICTED BY A MURDEROUS ATTACKER.

Also:

S. J. R. 115. NAMING THE HOME OF MR. AND MRS. GERALD WILLIS, LOCATED IN NANCEYS CREEK COMMUNITY OF CALHOUN COUNTY, "THE ALABAMA HERMITAGE."

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Zoghby, Kennedy, Escott, Bedsole, Ward, Stewart, Bennett, Parker, Harper (T), Smith (M), Riddick and Smith (J):

H. 186. To establish the "Protection from Abuse Act"; to provide for proceedings to bring about the cessation of abuse from a family violence disturbance; to provide for hearing, and including the following: injunctive relief directing defendant to refrain from abusing plaintiff, temporary orders of relief granting possession to the plaintiff of a residence or household to the exclusion of defendant, the awarding of temporary custody of and/or temporary visitation rights regarding minor children, temporary support for plaintiff and/or minor children, and emergency relief in an ex parte proceeding; and to provide that the defendants in such proceedings shall have the same rights, remedies and due process, where any wrongful action is instituted, as any defendant in other civil and criminal action.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 186. To the Committee on Judiciary.

FURTHER CONSIDERATION OF H. B. 108

The Senate proceeded to further consideration of the Bill, H. B. 108, and pending substitute. The question was on the amendment offered by Mr. White to the substitute.

On motion of Mr. Gullledge, said amendment was laid on the table.

Mr. White then offered the following substitute for the Committee substitute for the Bill, H. B. 108, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE  
FOR H. B. 108

A BILL  
TO BE ENTITLED  
AN ACT

To terminate the state agency for social security, and its advisory board, created by Section 36-28-3, Code of Alabama 1975, and to transfer the

functions, duties and responsibilities, including any federal contractual obligations, to the state finance department; to provide that all monies collected by the board, and thereafter by the retirement systems, shall be transferred to the state treasury and that any accrued interest thereon shall be credited to the state general fund, and to provide that the provisions hereof shall become effective September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. The state agency for social security and the state social security advisory board created by Section 36-28-3, Code of Alabama 1975, which together comprise the state agency for social security, and which are functioning pursuant to Sections 36-28-1 through 36-28-10, Code of Alabama 1975, are hereby terminated, effective September 30, 1981.

Section 2. All duties, functions, and responsibilities, including any federal contractual obligations, required of the state agency under said Sections 36-28-1 through 36-28-10, shall be administered by the state finance department upon the effective date of this Act, and on such date all monies collected by the state agency, and thereafter all monies collected by the retirement systems, shall be transferred to the state treasury and any interest accruing thereon shall be credited to the state general fund.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental to Sections 36-28-1 through 36-28-10, Code of Alabama 1975, and only to the extent there exists a conflict between the two shall the provisions of this Act supersede said code sections.

Section 5. The provisions of this Act shall become effective on September 30, 1981.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 137. Relating to Sumter County; prescribing certain limitations on procedures for extending the corporate limits and boundaries of incorporated municipalities in said county.

Also:

H. 138. Relating to Choctaw County; to provide for the replacement of casings in certain wells located in the county.

Also:

H. 139. Relating to Sumter County; to provide for the replacement of casings in certain wells located in the county.

Also:

H. 316. Relating to the city of Scottsboro in Jackson County; to authorize the city governing body to establish a historic preservation commission and to adopt ordinances and regulations to protect historic architectural

character and preserve the general historic character of the city by allowing the designation of historic districts, areas, and sites and adopting other provisions necessary to carry out the purposes of this act.

Also:

H. 420. Relating to Fayette County; to provide further for the compensation of certain election officers.

Also:

H. 567. Relating to Marion County; to provide for additional per diem payments to each member of the Board of Equalization.

Also:

H. 568. To repeal Act No. 158, 1969 Special Session, and Act No. 950, 1969 Regular Session, relating to compensation and expense allowances paid to the board of equalization in counties with a population of not less than 13,700 nor more than 14,300 inhabitants.

Also:

H. 569. Relating to Lamar County; providing for the amount of compensation to be paid members of the jury commission, board of equalization and the board of registrars.

Also:

H. 587. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Elmore County shall have or exercise police jurisdiction within Elmore County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Elmore County or over or on any person in Elmore County or property or business or trade or profession in Elmore County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Elmore County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Elmore County.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 198. DEPLORING THE ATTEMPTED ASSASSINATION OF PRESIDENT RONALD REAGAN.

Also:

H. J. R. 200. HONORING MARY AUTREY.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF H. B. 108

The Senate proceeded to further consideration of the Bill, H. B. 108, and pending Committee substitute. The question was on the substitute offered by Mr. White for the Committee substitute.

On motion of Mr. Gulledge, said substitute was laid on the table.

And said Committee substitute was then adopted by the Senate.

Yeas 19; Nays 1.

*Yeas:*

Messrs.:	Denton	Holmes	Proctor	
Bailey	Figures	Little	St. John	
Barron	Gulledge	Martin	Smith	
Britnell	Hall	Miller	Taylor	
Callahan	Harrison	Mitchem	Teague	
				—19

*Nay:* Mr. White. —1

And said Bill, H. B. 108, as thus amended by the substitute, was read a third time at length and passed.

Yeas 20; Nays 1.

*Yeas:*

Messrs.:	Figures	Hilliard	Mitchem	
Bailey	Gulledge	Holmes	St. John	
Barron	Hall	Little	Smith	
Britnell	Harrison	Martin	Taylor	
Callahan	Higginbotham	Miller	Teague	
deGraffenried				—20

*Nay:* Mr. White. —1

### POINT OF PERSONAL PRIVILEGE

Mr. deGraffenried stated that, had he been present when the vote was taken on H. B. 106, he would have voted "Aye".

BILLS ON THIRD READING RESUMED

The Bill:

H. 101. Relating to the continued existence and functioning of the Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons provided for in Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, and as otherwise provided by law.

was read a third time at length and passed.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Little	St. John
Bailey	Goodwin	Martin	Smith
Barron	Hilliard	Miller	Taylor
Britnell	Holmes	Mitchem	Teague
Callahan	Kirkland	Proctor	White

—19

*Nays:*

—0

The Bill:

H. 103. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Speech Pathology and Audiology as provided in Sections 34-28A-1 through 34-28A-44 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-28A-21, 34-28A-23, 34-28A-24 and 34-28A-40 of the Code of Alabama 1975, so as to: Require applicants to pass an examination approved or promulgated by the board; remove requirement of board to maintain permanent records of all examination scores; provide that four (4) board members constitutes a quorum; and delete a waiver of examination provision (grandfather clause) which has served its purpose.

was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Denton	Martin	Smith
Bailey	Hilliard	Miller	Taylor
Barron	Holmes	Mitchem	Teague
Britnell	Keener	Parsons	Vacca
Callahan	Kirkland	Proctor	White
deGraffenried	Little	St. John	

—22

*Nays:*

—0

The Bill:

H. 100. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Polygraph Examiners as provided in Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24, and 34-25-29, Code of Alabama 1975; and to repeal Section 34-25-31 of the Code of Alabama 1975, so as to: Eliminate the requirement that appointees to the board be approved by the senate; remove

the board's authority to set travel and expense allowances; authorize the board to set salaries of its employees and hire temporary investigatory employees; provide further for the collection and use of fees of the board; provide for \$50.00 per day plus mileage allowance for board members when meeting; provide same mileage and per diem travel expenses for board members as are paid to state employees; authorize board to determine which expenses of the board are necessary, subject to state bid law; provide board's purchases may be made through state finance department purchasing agency; exempt board from payment of state sales tax; lower age requirement for examiners from 25 to 21; alter the baccalaureate requirement of examiners; to place board on same fiscal year as the state; and to repeal Section 34-25-3, Code of Alabama 1975, which prescribes the type of instrument examiners must use.

was taken up.

Mr. Little offered the following amendment to the Bill, H. B. 100, to-wit:

#### AMENDMENT TO H. B. 100

Amend House Bill No. 100, Page 3 Lines 22 and 23 by inserting after the word "governor" the words "with the advice and consent of the senate".

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	St. John	
Bailey	Hall	Kirkland	Smith	
Barron	Higginbotham	Little	Taylor	
Britnell	Hilliard	Miller	Vacca	
Callahan	Holmes	Mitchem	White	
deGraffenried				—20

*Nays:* —0

And said Bill, H. B. 100, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Smith	
Britnell	Higginbotham	Martin	Taylor	
Callahan	Hilliard	Miller	Teague	
deGraffenried	Holmes	Mitchem	Vacca	
Denton	Keener	Parsons	White	
Gulledge	Kirkland	St. John		—22

*Nays:* —0

The Bill:

H. 102. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-20, 34-29-23 of the Code of Alabama 1975, so as to: limit board members to two terms; and to provide further for the compensation of board members.

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was read a third time at length and passed.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Kirkland	Proctor
Barron	Hall	Little	Robertson
Britnell	Hilliard	Martin	St. John
Callahan	Holmes	Miller	Smith
deGraffenried	Keener	Mitchem	Taylor

—19

*Nays:* —0

The Bill:

H. 97. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$100.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure and require all members of the board to be licensed auctioneers.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, H. B. 97, to-wit:

COMMITTEE AMENDMENT NO. 1 TO H. B. 97

Amend House Bill 97, page 10, line 11, by adding a new sentence after the word "originals.":

"No person on the Board of Auctioneers shall be eligible to conduct auctions which affect state, county or municipal property."

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Little	Smith
Barron	Hilliard	Martin	Taylor
Britnell	Holmes	Mitchem	Teague
Cook	Keener	Robertson	Vacca
Denton	Kirkland	St. John	White
Hall			

—20

*Nays:* —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, H. B. 97, as amended, to-wit:



## COMMITTEE AMENDMENT NO. 2 TO H. B. 97, AS AMENDED

Amend House Bill 97, page 1, line 28, by striking out the figure "\$100.00" after the word "to" and inserting in lieu thereof the figure "\$70.00"

Further amend House Bill 97, page 4, line 35, by striking the figure "\$100.00" after the word "exceed" and inserting in lieu thereof the figure "\$70.00"

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	St. John
Barron	Hall	Little	Smith
Britnell	Harrison	Martin	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Proctor	White
Denton	Keener	Robertson	

—26

*Nays:*

—0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, H. B. 97, as amended, to-wit:

## COMMITTEE AMENDMENT NO. 3 TO H. B. 97, AS AMENDED

Amend House Bill 97, page 2, line 32, by changing the figure "\$50.00" to "\$70.00"

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Robertson
Barron	Harrison	Martin	St. John
Britnell	Higginbotham	Miller	Smith
Callahan	Hilliard	Mitchem	Taylor
Cook	Holmes	Parsons	Teague
deGraffenried	Keener	Proctor	White
Denton	Kirkland		

—25

*Nays:*

—0

On motion of Mr. Callahan, further consideration of the Bill, H. B. 97, as amended, was postponed until the Nineteenth Legislative Day.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Miller	St. John
Barron	Hilliard	Mitchem	Smith
Callahan	Holmes	Parsons	Taylor
Cook	Keener	Proctor	Vacca
DeGraffenried	Little	Robertson	White
Hall	Martin		

—21

*Nays:*

—0

BILL RECONSIDERED

On motion of Mr. Miller, the Senate reconsidered the vote by which the Bill, H. B. 102, was passed.

On motion of Mr. Miller, the Senate reconsidered the vote by which the Bill, H. B. 102, was ordered to its third reading.

Mr. Miller then offered the following substitute for the Bill, H. B. 102, to-wit:

SUBSTITUTE FOR H. 102

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Section 34-29-4, 34-29-20, 34-29-23, 34-29-41, and 34-29-45 of the Code of Alabama 1975, so as to: limit board members to two terms; authorize the board to increase the following fees: (1) examination fee for veterinarians, not to exceed \$50.00; (2) annual renewal fees for veterinarians, not to exceed \$25.00; (3) examination fee for animal technicians, not to exceed \$25.00; and (4) annual renewal fees for animal technicians, not to exceed \$15.00; and to provide further for the compensation of board members.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Veterinary Medical Examiners, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-29-1 through 34-29-46, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Board of Veterinary Medical Examiners created and functioning pursuant to Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41 and 34-29-45 of the Code of Alabama 1975 are hereby amended to read as follows:

§34-29-4. The Alabama state board of veterinary medical examiners may establish qualifications and rules and regulations for the examination and registration of animal technicians, which animal technicians shall be defined as persons other than a veterinarian who perform those acts which require limited skill, responsibility and a minimal exercise of independent judgment in the treatment of patients of veterinarians and under the direct and immediate supervision of veterinarians.

"Any veterinarian who is legally qualified to practice in the state of Alabama may be issued a permit by the Alabama state board of veterinary medical examiners to employ animal technicians under such terms and conditions as may be proposed by the said Alabama state board of veterinary medical examiners. Anyone who employs an animal technician must make an application to the Alabama state board of veterinary medical examiners for a permit to employ a specific person whose name, together with such other information as may be desired, shall be furnished to the said Alabama state board of veterinary medical examiners, and the said board may also require the proposed animal technician to submit to an examination. The fee for such examination shall not be less than \$10.00 nor more than \$20.00 be determined by the board not to exceed \$25.00. The board shall issue permits to the veterinarians and permit certificates to the animal technicians who have passed the examination and have been found qualified by the board. There shall be an annual renewal of each permit issued and a renewal fee established by the board, not to exceed \$5.00 \$15.00. Such a permit shall cover the specific employment to which it refers and does not authorize the holder thereof to employ any other technician other than the one named in the permit. A permit shall be obtained for each animal technician employed.

"Animal technicians shall not perform any duties or operations anywhere at any time or any place, except under the direct and immediate supervision or in the office of a legally qualified veterinarian or in a school or hospital that holds a permit from the Alabama state board of veterinary medical examiners to employ such animal technicians, and said permits shall be displayed at all times in the office of the holder thereof at such place as to be easily accessible to the public or his patients. Said board may cancel any such permit which it may have issued for violation of the laws of Alabama relating to the practice of veterinary medicine or for the violation of any of the rules and regulations of the said board after giving such persons 10 days' notice of the time and place of hearing; and, should the board revoke the said permit, such persons shall have the right of appeal to the circuit court, to be heard and governed as appeals by veterinarians in such cases are heard and governed. The state board of health, schools or hospitals may be issued permits to employ animal technicians under such terms and conditions as may be prescribed by the Alabama state board of veterinary examiners. Any veterinarian who permits the duties of the animal technician to be done in his office without having been issued a permit as herein provided or any person who is employed as an animal technician whose employer has not obtained a permit shall be guilty of a misdemeanor and, upon conviction, for the first offense shall be fined not less than \$50.00 nor more than \$500.00 and, for the second offense, not less than \$250.00 nor more than \$500.00, and may also be imprisoned at hard labor not less than three months nor more than four months. Nothing, however, in this article shall be construed to prevent a student of veterinary medicine from performing operations under the supervision of a competent instructor in veterinary medicine recognized by the Alabama state board of veterinary examiners."

" §34-29-20. A state board of veterinary medical examiners is established to consist of five members, who shall be members of the state veterinary medical association of Alabama in good standing, and who shall be graduates of an accredited veterinary medical college, approved by the American Veterinary Medical Association. No board member shall serve more than two (2) terms of office, provided further, that any person serving as a board member as of the effective date of this act shall be entitled to serve an additional term of office. The state board of veterinary medical examiners shall be a body corporate, with the right to sue and be sued. It shall have and

use a seal. It shall have the right and power to hold hearings, to call witnesses and to take testimony bearing on the records of applicants for certificates of qualifications to practice veterinary medicine and surgery in Alabama, and on the records of practitioners who may be under consideration by the board on charges of misconduct. The state board of veterinary medical examiners in its corporate capacity, or any individual member of the board, may prosecute in court an action of quo warranto or other proper action to oust from the practice any unlawful practitioner of veterinary medicine or surgery or may assist the attorney general or any district attorney in prosecutions for criminal violations of this chapter."

" §34-29-23. The members of the state board of veterinary medical examiners shall receive \$40.00 \$100.00 a day for each day such a member is actually engaged in the work of the state board and, in addition, the usual per diem expenses allowed to other persons acting in the service of the state of Alabama or any of its agencies, institutions, boards, bureaus or commissions. The secretary-treasurer shall receive, in addition thereto, a salary of \$100.00 a year. He shall be required to make semiannual reports in detail to the board. The legal expenses of the board for administration of this chapter shall be paid from funds in the state treasury to the credit of the board and shall be paid only on warrant of the state treasurer and approved by the governor. No funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Title 41, chapter 4, article 4 of this Code and only in amounts as stipulated in the general appropriations act."

" §34-29-41. Every person who shall hold a certificate of qualification to practice veterinary medicine and surgery in Alabama and who shall engage in such practice shall pay an annual privilege license fee of \$10.00 an amount to be determined by the board, not to exceed \$25.00, which shall be paid to the secretary-treasurer of the state board of veterinary medical examiners, the same to be payable not later than January 15 in each calendar year; except, that those who receive certificates of qualification to practice during the calendar year shall have 10 days thereafter in which to pay such annual privilege license fee; and except, that former practitioners who resume practice during the calendar year shall have 10 days after such resumption of practice to pay such annual privilege license fee. Each person who shall apply to the board for a certificate of qualification, whether upon examination or upon certification from another state, shall accompany each such application with a fee of \$15.00. All fees collected hereunder shall be paid to the secretary-treasurer and shall be accounted for by him in detail. These fees shall be deposited in the state treasury to the credit of the state board of veterinary medical examiners and shall be used and expended by said board for the administration and enforcement of this article."

" §34-29-45. The state board of veterinary medical examiners shall, in its bylaws, fix times and places for at least two regular examinations each year and shall give wide publicity to the profession of the times and places of such regular examinations. It may hold special examinations from time to time and, in its own discretion, anywhere in the state of Alabama. At least three of the members must be present when any examination is conducted. Said examinations shall be theoretical and practical and may either be written or oral, partly written and partly oral. All examinations shall include the following subjects: veterinary anatomy, veterinary surgery, veterinary medicine, veterinary obstetrics, pathology and bacteriology, therapeutics and pharmacy, veterinary physiology, animal husbandry and dairying, meat inspection, milk inspection, chemistry and veterinary sanitation. The board is authorized to establish and collect an examination fee, not to exceed \$50.00, for each examination given."

Section 5. This shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Proctor	
Barron	Higginbotham	Martin	Smith	
Britnell	Hilliard	McDonald	Teague	
Cook	Holmes	Miller	Vacca	
Gulledge	Kirkland	Parsons	White	—19

*Nays:* —0

Mr. Miller then offered the following amendment to the Bill, H. B. 102, as amended by the substitute, to-wit:

#### AMENDMENT TO THE SUBSTITUTE FOR H. 102 AS AMENDED

On page 6, line 14, after the period, add the following language:

Any person whose license has been suspended for failure to make annual renewal may have same reinstated upon payment to the Board all fees that would have been paid if he/she had maintained their license in good standing plus a reinstatement fee of Fifty (\$50.00) Dollars and possible re-examination according to the discretion of the Board.

On page 6, line 18, strike the language "\$15.00" and insert in lieu thereof:

Fifty Dollars (\$50.00) in addition to all other costs involved in standing the state board examination.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	Robertson	
Barron	Hall	Little	Smith	
Britnell	Harrison	Martin	Taylor	
Cook	Hilliard	Miller	Teague	
Denton	Holmes	Proctor		—18

*Nays:* —0

And said Bill, H. B. 102, as thus amended, was again read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Callahan	Gulledge	Higginbotham
Bailey	Cook	Hall	Hilliard
Barron	Denton	Harrison	Holmes

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Kirkland	Miller	Robertson	Taylor	
Little	Parsons	Smith	Teague	
Martin	Proctor			—21
Nays:				—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 492. Relating to Cleburne County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Also:

H. 493. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated by expended exclusively for the enforcement of drug and controlled substances laws.

Also:

H. 494. Relating to Cleburne County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Also:

H. 495. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Also:

H. 575. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1981 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year; to provide that the first fee schedule shall also be the fee schedule for the 1981 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 92. Relating to the continued existence and functioning of the State Board of Bar Examiners provided for in Sections 34-3-1 through 34-3-108 of the Code of Alabama 1975, as amended, specifically in Sections 34-3-2 and 34-3-40.

Also:

H. 93. Relating to the continued existence and functioning of the Board of Dental Scholarship Awards provided for in Sections 16-47-76 through 16-47-81 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

H. 94. Relating to the continued existence and functioning of the Board of Medical Scholarship Awards provided for in Sections 16-47-121 through 16-47-129 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

H. 95. Relating to the continued existence and functioning of the State Pilotage Commission provided for in Sections 33-4-1 through 33-4-57 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

H. 96. Relating to the continued existence and functioning of the State Real Estate Commission provided for in Sections 34-27-1 through 34-27-38 of the Code of Alabama 1975.

Also:

H. 98. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Services as provided in Sections 34-13-1 through 34-13-134 and Sections 34-13-150 through 34-13-152 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-13-4, 34-13-10, 34-13-23, 34-13-28, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131; and to repeal Section 34-13-30 of the Code of Alabama 1975 so as to: Eliminate the requirement of the board to distribute statutes and regulations each four years and instead distribute only upon request; declare certain violations as misdemeanors and allow appropriate prosecution; provide further clarification concerning travel expenses of the board; require annual reporting to the Governor and to the Legislature instead of to the Secretary of State; authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; distribute directory

of licensees only on request instead of annually; lower minimum age and educational requirements for funeral director and embalmer apprentices; require apprentice time to be supervised; and to repeal a provision of law which transferred funds to the board from its predecessor board, the purpose of which has been served.

Also:

H. 99. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners of Mine Personnel as provided in Sections 25-9-9 through 25-9-18, Code of Alabama 1975, as amended, with certain modifications; to amend Sections 25-9-9 and 25-9-10 of the Code of Alabama 1975, so as to: Authorize the board to increase examination fees not to exceed \$20.00 ; and to authorize per diem for board members up to the maximum allowed for state employees.

Also:

H. 107. To repeal Sections 10-4-360 through 10-4-364 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Yacht Club Association and to provide for an effective date.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 104. Relating to the continued existence and functioning of the Board of Cosmetology provided for in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, and as otherwise provided by law.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, H. B.104, to-wit:

#### COMMITTEE SUBSTITUTE FOR H. B.104

#### A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-7-1, 34-7-4, 34-7-5, 34-7-6, 34-7-7, 34-7-9, 34-7-11, 34-7-16, 34-7-17, 34-7-19, 34-7-21, 34-7-24, 34-7-40, 34-7-42, and 34-7-46, Code of Alabama 1975; and to repeal Sections 34-7-8, 34-7-13, 34-7-14, 34-7-22, and 34-7-23, Code of Alabama 1975, so as to: Provide further for the definitions and add several new definitions of "master cosmetologist," "managing esthetician," "esthetician salon," "apprentice esthetician,"



"school for estheticians," "student esthetician," "Esthetician instructor," and "student instructor"; provide further for the qualifications of applicants of the board; regulate schools and salons of estheticians; remove the test for syphilis on the physician's report of applicants and provide certain other tests be performed within one year of application; provide for biennial fees and authorize the board to increase fees up to certain amounts; exempt classes of public school boards of education and public trade schools from various provisions of article 7 of Title 34; provide further requirements of temporary licensing; authorize the board to prorate fees in the implementation of biennial licensing; refer to "schools of cosmetology" or "schools for estheticians" instead of "beauty school"; remove subpoena power from board in relation to refusal, revocation or suspension of licenses or certificates; prohibit the unlawful practice of skin care, and schools of estheticians; further define exempted occasional hair dressers who receive no compensation; provide all board members must be licensed cosmetologists and need not be at least 25 years of age and shall receive \$50.00 per day compensation; provide that board investigations must be initiated by a majority of the board members; and repeal various code sections which are either redundant or superfluous, or have served their intended purposes; and to eliminate county exemptions so as to provide for statewide application of article 7 of Title 34 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Cosmetology, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-7-1 through 34-7-47, Code of Alabama 1975, as amended, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Board of Cosmetology created and functioning pursuant to Sections 34-7-1 through 34-7-47, as amended, Code of Alabama 1975, are hereby continued.

Section 4. Sections 34-7-1, 34-7-4, 34-7-5, 34-7-6, 34-7-7, 34-7-9, 34-7-11, 34-7-16, 34-7-17, 34-7-19, 34-7-21, 34-7-24, 34-7-40, 34-7-42, and 34-7-46 of the Code of Alabama 1975, as amended, are hereby further amended to read as follows:

"§34-7-1.

"For the purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

"(1) COSMETOLOGY. Any one and/or a combination of practices generally and usually, heretofore and hereafter performed by, and known as the profession of beauty culturists, cosmeticians, cosmetologists, hairdressers or of any other person holding himself or herself out as practicing cosmetology by whatever designation and within the meaning of this chapter and in and upon whatever place or premises; and in particular shall include, but otherwise not be limited thereby, to the following or any one or a combination or practices: arranging, dressing, curling, waving, cleansing, cutting, singeing,

bleaching, coloring or similar work upon the hair of any person, by any means, and/or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or otherwise, massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work on the scalp, face, neck, arms, hands, bust or upper part of the body, or manicuring the nails of any person.

"(2) COSMETOLOGIST. Any person, not an apprentice or a student, following or practicing cosmetology on members of the general public for compensation not owning or managing a beauty shop or school of cosmetology, and who shall have the qualifications hereinafter provided for a cosmetologist.

"(3) MANAGING COSMETOLOGIST. A cosmetologist who manages or conducts a beauty shop or school of cosmetology.

"(4) MANICURIST. Any person who engages only in the practice of manicuring the nails of any person.

"(5) APPRENTICE. Any person who is engaged in the learning or acquiring of any or all practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a shop registered or licensed under this chapter.

"(6) STUDENT. Any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a school registered or licensed under this chapter under the instruction or immediate supervision of an instructor licensed as such under this chapter.

"(7) INSTRUCTOR. Any person who is a cosmetologist and who teaches cosmetology or any practices thereof in a duly registered school of cosmetology; provided, that nothing contained herein shall apply to any instructor employed as a teacher in a school or class executed by a public school board of education or public trade school.

"(8) STUDENT INSTRUCTOR. A cosmetologist who is receiving instructions in teacher's training in a duly registered school of cosmetology.

"(9) BEAUTY SHOP. Any place or part thereof, wherein cosmetology or any of its practices are followed, whether such place is known or designated as a cosmetician, cosmetological or beauty shop or establishment or whether the person practicing cosmetology therein holds himself out as a cosmetician, cosmetologist or beauty culturist, or by any other name or designation indicating that cosmetology is practiced therein. All beauty shops shall have a managing cosmetologist on duty five days a week.

"(10) SCHOOL OF COSMETOLOGY. Any place or part thereof, wherein cosmetology or any of its practices are taught, whether such place or establishment is known or designated as a cosmetician, cosmetological or beauty culture school or establishment, or by any other name or designation, indicating that cosmetology is taught therein to students; provided, that nothing contained herein shall apply to any school or class operated by a public school board of education or public trade school.

"(11) PLACE OF COSMETOLOGY. Such place wherein cosmetology is practiced on the members of the general public for compensation; and such place wherein cosmetology is taught to students shall hereinafter be considered as a school of cosmetology; provided, that any appropriate name herein

mentioned may be used for either such beauty shop or for such school of cosmetology, respectively, but such name shall be displayed upon or over the entrance door or doors of such place designating it as a beauty shop or school of cosmetology as the case may be, within the meaning of this chapter. Each such establishment shall be entirely distinct and separated from any living quarters, but may be housed under the same roof but shall have an outside entrance and any entrance from the shop to the home shall be kept closed except that nothing herein shall prevent the use of said door. If a beauty shop is conducted in a home in a zone or district in a municipality in which the display of such name is forbidden by municipal ordinance or by other duly adopted zoning rule or regulation, signs designating the beauty shop or school of cosmetology may be omitted. Any shop in operation on September 20, 1957, upon proof that sanitary measures are being complied with, shall be exempt from the provisions of this subdivision; provided, that such exemption shall not apply if the ownership or location of the shop is changed. Each such establishment shall be entirely distinct and permanently separated from any living quarters have an outside entrance and any entrance from the shop to the home shall be kept closed except nothing herein shall prevent the use of said door.

"(12) **DEMONSTRATOR.** Any person who is not licensed in this state as a cosmetologist or instructor and who demonstrates for purposes of selling or advertising any cosmetic preparation by applying the same with his or her hands upon the hair or body of another person. A demonstrator shall be required to obtain a license from the board before making such demonstration. The requirements for the issuance of a demonstrator's license are a health card, two photographs, a notarized application and fee as provided for in this article. Nothing in this Act shall be construed to apply to departments in retail establishments where cosmetics are demonstrated and offered for sale but wherein no other act of cosmetology is performed.

"(13) **BOARD.** The Alabama board of cosmetology, as hereinafter provided for.

"(14) **COSMETIC STUDIO.** Any place or premises where demonstrators give demonstrations for the purpose of advertising and selling cosmetics. It shall be necessary for any cosmetic studio to apply to the board for a certificate of registration for a cosmetic studio, said application to be upon a form prescribed by the board.

"(15) **ESTHETICIAN.** Any person, not an apprentice or a student, who engages in any of the following specialized practices as generally recognized in the field of cosmetology: skin care, make-up artistry, facials, body waxing, and electrolysis.

"(16) **SHAMPOO ASSISTANT.** Any person who engages only in the practices of shampooing or cleaning the hair of any person and applying temporary weekly color rinses.

"(17) **MASTER COSMETOLOGIST.** A person holding a Managing Cosmetologist license who has completed a course of study in continuing education approved by the Cosmetology Board within a licensing period and who has paid the original licensing fee as herein provided. This is an optional license and persons who do not wish to complete the continuing education requirement may obtain a Managing Cosmetologist license when renewing their license.

"(18) **MANAGING ESTHETICIAN.** Any person who manages or conducts an esthetician salon or school for estheticians.

"(19) ESTHETICIAN SALON. Any place or part thereof, not a beauty salon, wherein skin care or any of its practices are followed. All esthetician salons must conform to rules promulgated by the state board.

"(20) APPRENTICE ESTHETICIAN. Any person who is engaged in the learning or acquiring of any or all practices of skin care and while learning performs or assists in any of the practices of skin care in a licensed esthetician salon or beauty salon.

"(21) SCHOOL FOR ESTHETICIANS. Any place or part thereof wherein skin care or any of its practices are taught to students; provided that nothing contained herein shall apply to any school or class operated by a public school board of education or public trade school.

"(22) STUDENT ESTHETICIAN. Any person who is engaged in the learning or acquiring of any or all the practices of skin care in a licensed esthetician school or school of cosmetology.

"(23) ESTHETICIAN STUDENT INSTRUCTOR. Any licensed esthetician who is receiving instructions in teacher's training only in skin care in a duly registered school for estheticians or cosmetology school.

"(24) ESTHETICIAN INSTRUCTOR. Any person who is an esthetician and who teaches skin care or any practices thereof in a duly registered school of cosmetology for estheticians. Provided that nothing contained herein shall apply to any instructor employed as a teacher in a school or class executed by a public school board of education or public trade school.

" § 34-7-4.

"(a) No person shall be admitted to examination or receive a license under this chapter, except as otherwise provided for in this chapter, unless such person shall possess the following qualifications:

"(1) COSMETOLOGIST. Except as otherwise provided for in this chapter, no person may be licensed as a cosmetologist in any one or a combination of the practices of cosmetology under this chapter unless such person shall pay the original licensing fee as hereinafter provided for and have an education equivalent to the completion of 10 grades in school and shall have served and completed the required time and studies as follows:

"a. For a complete course of cosmetology, consisting of all or the majority of practices thereof in a school of cosmetology, of not less than 1,200 hours, nor more than 1,700 hours, of continuous training not to exceed more than eight hours in any one day; or shall have completed a course of study in the public schools or trade school consisting of at least 1,200 hours and not more than 1,700 hours of training.

"b. Or as an apprentice in a beauty shop for a period of not less than 3,000 hours over a minimum period of one year of training not to exceed eight hours in any one day; or, in either event,

"c. Any currently licensed barber who has passed the barber state board examination shall have the option of taking both the written and practical state board examination for cosmetologists as provided in this act and upon successfully passing shall be granted a cosmetologist license. Any student or apprentice enrolling in barber or cosmetology training must meet all requirements set out in this act provided however, nothing herein shall apply to the teaching or training of students in public schools or trade schools; and

"d. Shall have passed an examination of the board as provided in this chapter.

"(2) MANICURIST. Except as otherwise provided for in this chapter, no manicurist may be licensed as such unless such person shall pay the original licensing fee as hereinafter provided for and shall have completed a course of training of not less than 300 hours in a school of cosmetology, or shall have served as an apprentice in a beauty shop for a period of not less than 300 hours of continuous training not to exceed more than eight hours in any one day, and shall have passed an examination to the satisfaction of the board as provided for in this chapter.

"(3) MANAGING COSMETOLOGIST. Except as otherwise provided for in this chapter, no person may be licensed as managing cosmetologist unless such person shall pay the original licensing fee as hereinafter provided for, and shall be a licensed cosmetologist, and shall have served as such in a registered beauty shop or school of cosmetology for a period of not less than one year prior to such application for a license as managing cosmetologist.

"(4) APPRENTICES. Apprentices in cosmetology shall be registered upon the payment of the original fee as hereinafter provided for, payable upon the commencement of the apprenticeship in a duly registered beauty shop. Such apprentice shall be at least 16 years of age at the time of such registration and shall have an education equivalent to the completion of 10 grades in school; provided, that any beauty shop that shall take an apprentice shall immediately file with the board the name and age of such apprentice, and the board shall cause the same to be entered in a register kept for that purpose, provided said apprentice shall at no time be concurrently enrolled in a school of cosmetology, except for six hours of theory training per week. Esthetician salons are permitted to train persons only for an esthetician license.

"(5) STUDENTS. Students in cosmetology shall be registered by the board upon enrollment in a registered school of cosmetology and upon certification by such school of such enrollment. A student shall be at least 16 years of age at the time of such registration and shall have an education equivalent to the completion of 10 grades in school; provided, that any school of cosmetology that shall enroll such a student shall immediately file with the board the name and age of such student, and the board shall cause the same to be entered in a register kept for that purpose. Students in beauty schools are allowed to work in beauty salons after completion of 70 percent of the total hours required in beauty school only when school is not in session. One student trainee will be allowed for the first managing cosmetologist and one additional student for each three additional licensed cosmetologists attached to its staff. Such student must be enrolled with the board and receive a permit to work in a beauty salon before beginning work. A fee of \$3.00 is required.

"(6) INSTRUCTORS. Except as otherwise provided in this chapter, no person may be licensed as an instructor in any one or a combination of the practices of cosmetology unless such person shall pay the original licensing fee as hereinafter provided for and shall hold a license as a cosmetologist issued to him pursuant to subdivision (1) of this subsection, and in addition,

"a. Shall have completed not less than 1,250 hours nor more than 1,700 hours in a teacher's training course in cosmetology in a registered school of cosmetology, to be eligible for admission to examination; or shall have successfully completed a course of study in the public schools or trade schools consisting of at least 1,250 hours and not more than 1,700 hours in a teacher's training course in cosmetology; or

"b. Shall have not less than one year of experience as an active practicing cosmetologist prior to enrollment as a student instructor and supplemented by not less than 650 hours in a teacher's training course in cosmetology in a registered school of cosmetology, in order to be eligible for admission for examination.

"No instructor or student instructor shall be permitted to practice cosmetology on the public other than such practical work as shall pertain directly to the teaching of practical subjects to students.

"c. Shall have an education equivalent to the completion of 12 grades in school in order to enroll in a course for teacher's training in any registered school of cosmetology.

"Any person duly licensed to practice in any field related to cosmetology may apply to the board for a permit to teach theory in the field in which he is licensed to practice; and, upon proper proof of qualifications, said board may issue such teacher's permit to the applicant.

"(7) **STUDENT INSTRUCTORS.** Student instructors in cosmetology shall be registered by the board upon enrollment in a registered school of cosmetology and upon certification by such school to the board of such enrollment. A student instructor at the time of such enrollment shall hold a license as a cosmetologist. Upon the completion of the course prescribed by this chapter for a student instructor, said student instructor may make application on a form provided by the board and pay the examination fee as hereinafter provided for. Said board shall thereupon cause such applicant to be examined for an instructor's certificate, said examination to be given by the board. Upon such applicant's successfully passing said examination and the payment of the original licensing fee of an instructor as hereinafter provided for, said board shall issue and give an instructor's certificate. Any school of cosmetology that shall enroll any person as a student instructor shall immediately file with the board the name and age of such student and his qualifications qualifying him for such course as herein provided, and the board shall cause the same to be entered in a register kept for that purpose. Schools for estheticians are permitted to train student instructors only for an esthetician instructor's license.

"(8) **ESTHETICIAN.** No person shall practice as an esthetician unless such person shall pay the original licensing fee as provided for in this article and shall have completed a course of study approved by the board consisting of at least 450 hours in skin care, esthetician or facialist training, 300 hours in make up artistry, 150 hours in body waxing and 450 hours in electrolysis, and shall have passed an examination to the satisfaction of the board. Estheticians shall work under the direction of a managing cosmetologist. It shall not be necessary for an esthetician to be licensed as a cosmetologist, as defined in section 34-7-1.

"(b) The sufficiency of the qualifications of applicants for admission to the examinations or for licensing as herein provided for shall be determined by the board, subject to such provisions as the board shall make.

"(8) **ESTHETICIAN.** Except as otherwise provided for in this chapter, no person may be licensed as an esthetician under this chapter unless such person shall pay the original licensing fee as hereinafter provided for and have an education equivalent to the completion of 10 grades in school and shall have successfully served and completed the required time and studies as follows:

"a. For a complete course of skin care, consisting of all or the majority of practices thereof in a school of cosmetology or esthetician school of not less than 1,200 hours and not more than 1,700 hours of continuous training not to exceed more than eight hours in any day or shall have completed a course of study in the public schools or trade school consisting of at least 1,200 hours and not more than 1,700 hours of training; or

"b. As an apprentice in a beauty shop or esthetician salon for a period of not less than 3,000 hours over a minimum period of one year of training not to exceed eight hours in any one day; or, in either event,

"c. Shall have passed an examination to the satisfaction of the board as provided in this chapter.

"(9) MANAGING ESTHETICIAN. Except as otherwise provided for in this chapter, no person may be licensed as a managing esthetician unless such person shall pay the original licensing fee as hereinafter provided for, and shall be a licensed esthetician, and shall have served as such in a registered beauty shop or school of cosmetology or esthetician salon or school for estheticians for a period of not less than one year prior to such application for a license as a managing esthetician.

"(10) STUDENT ESTHETICIANS. Shall be registered by the board upon enrollment in a registered school of cosmetology or school for estheticians and upon certification by such school to the board of such enrollment. A student shall be at least 16 years of age at the time of such registration and shall have an education equivalent to the completion of 10 grades in school; provided, that any school of cosmetology or esthetician school that shall enroll such a student shall immediately file with the board the name and age of such student, and the board shall cause the same to be entered in a register kept for that purpose.

"(11) ESTHETICIAN INSTRUCTORS. Except as otherwise provided in this chapter, no person may be licensed as an esthetician instructor unless such person shall pay the original licensing fee as hereinafter provided for and shall hold a license as a cosmetologist or esthetician and in addition:

"a. Shall have completed not less than 1,250 hours in a teacher's training course in cosmetology in a registered school of cosmetology or esthetician school to be eligible for admission to examination; or

"b. Shall have not less than one year of experience as an active practicing cosmetologist or esthetician prior to enrollment as a student instructor and supplemented by not less than 650 hours in a teacher's training course in cosmetology or skin care in a registered school of cosmetology or school for estheticians in order to be eligible for admission for examination.

"No instructor or student instructor in skin care shall be permitted to practice cosmetology on the public other than such practical work as shall pertain directly to the teaching of practical subjects to students.

"c. Shall have an education equivalent to the completion of 12 grades in school in order to enroll in a course for teacher's training in any registered school of cosmetology or esthetician school."

§ 34-7-5.

"(a) It shall be necessary for any person, firm, corporation or association to apply to the board for a certificate of registration as a registered beauty shop, esthetician salon, school of cosmetology or school for estheticians,

within the meaning of this chapter, said application to be upon a form prescribed by the board and accompanied by the payment of the original registration fee as hereinafter provided for. Any beauty shop or school of cosmetology, esthetician salon or school for estheticians shall, after May 23, 1977, fully comply with all the provisions of this chapter applicable thereto, and with all the rules and regulations promulgated by the board as hereinafter provided.

"(b) No beauty shop or esthetician salon shall accept an apprentice unless such beauty shop or esthetician salon is in charge of a managing cosmetologist or managing esthetician licensed as such. Such shop may register one additional apprentice for each additional managing licensed cosmetologist or licensed esthetician attached to its staff. In addition, such shop shall possess the necessary apparatus and equipment for the proper instruction in all subjects for the practices for which a license is required under this chapter, and shall maintain a daily record of the attendance of such apprentice or apprentices, together with the number of hours of apprenticeship, and shall certify to the board, upon termination of such apprenticeship, the credits earned. Such instruction shall require the necessary training for a complete course comprising all or the majority of the practices of cosmetology or skin care as provided in subdivisions (1) and (2) of subsection (a) of section 34-7-4, and such course shall include practical demonstrations and theoretical studies and studies in sanitation, sterilization and other safety measures, and the use of antiseptics, cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to cosmetology, as provided for in this chapter.

"(c) Any beauty shop registered or licensed under this chapter is authorized to employ a shampoo assistant who shall be under the supervision of the managing cosmetologist, provided such person is at least 16 years of age and submits to the managing cosmetologist a certificate of health as is required by section 34-7-7. Any such beauty shop that employs a shampoo assistant shall immediately file with the board the name and age of such person together with the person's certificate of health and the payment of a registration fee as provided for in this article. The board shall then cause the appropriate information to be entered in a register kept for that purpose.

"(d) Any person, firm or corporation teaching any or all of the practices of cosmetology or skin care shall be required to comply with all provisions applicable to schools of cosmetology or to beauty shops, esthetician schools, esthetician salons having apprentices and any and all rules which may be promulgated by the board. No school of cosmetology, beauty shop, esthetician salon or school for estheticians shall operate within this state unless a proper certificate of registration under this chapter has first been obtained. The practice of cosmetology or skin care shall not be followed in this state except in a duly registered beauty shop or school of cosmetology, esthetician salon, or school for estheticians except for educational purposes."

" § 34-7-6.

"No school of cosmetology shall be granted a certificate of registration unless it shall employ and maintain a sufficient number of competent instructors, at least one for every 20 students in attendance at any one time; shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum; shall keep a daily record of the attendance of each student; maintain regular class and instruction hours, establish grades and hold examinations before issuance of diplomas and shall require a school term of training for a complete course comprising all or the majority of the practices of cosmetology as provided in subdivision (1) of



subsection (a) of section 34-7-4, together with the minimum number of hours therein prescribed; and shall include practical demonstrations and theoretical studies and study in sanitation, sterilization, other safety measures and the use of antiseptics, cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to cosmetology or any practice thereof, as provided in this chapter. Any such school that shall enroll student instructors shall not have at any one time more than two student instructors for each licensed instructor actively engaged in such school. A school engaged only in the teaching of estheticians shall not be required to provide instruction in other practices of cosmetology but must meet all requirements of cosmetology schools pertaining to instructors, attendance records, enrollments, etc."

" § 34-7-7.

"Every person who desires to engage in any of the practices designated to be within the meaning of this chapter shall file with the secretary of said board a written application for a certificate to practice or for an examination and license to practice, as the case may be, and as provided in this chapter. Such application shall be accompanied by a certificate of health giving the dates and results of a chest x-ray or skin test, and a standard test for syphilis. Such tests must be made within 45 days one year prior to filing of the application for a certificate to practice or for an examination for a license to practice."

Any places of training for barbers or cosmetologists that are not inspected for sanitation and sterilization practices by the Alabama Board of Cosmetology shall fall under the jurisdiction of the State Health Department.

" § 34-7-9.

"(a) The examination of applicants for a license to practice a classified profession as designated under this chapter shall be conducted under rules prescribed by the said board and shall include both practical demonstrations, written and oral tests in reference to the practices for which a license is applied and such related studies on subjects as the board may determine necessary for the proper and efficient performance of such practices, and shall not be confined to any specific system or method. Such examinations shall be consistent with a prescribed curriculum for a beauty school or schools of cosmetology or schools for estheticians and the practical and theoretical requirements for the practice of cosmetology as provided by this chapter.

"(b) Temporary permits will be extended until the next state board examination for persons failing the state board examination for the first time. Persons failing the state board examination for the second time must return to beauty school for 375 additional hours or train for 600 additional hours in beauty cosmetology salon then retake both parts of the state board examination."

" § 34-7-11.

"The various fees to be paid by the applicants for original registrations, licenses, annual biennial renewals, temporary permits, licenses issued upon reciprocity, and examinations, as required under this chapter shall be as follows:

"(1) Original registrations, licenses and annual biennial renewals thereof:

Beauty Shop, original registration

\$35.00    \$ 70.00

**REGULAR SESSION**  
**15th Day**

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Beauty Shop, annual biennial renewal	\$10.00	\$ 30.00
School of Cosmetology, original registration		\$300.00
School of Cosmetology, annual biennial renewals	\$50.00	\$100.00
Cosmetologist, or Master Cosmetologist, original license	\$10.00	\$ 25.00
Cosmetologist, or Master Cosmetologist, annual biennial	\$ 5.00	\$ 15.00
Managing Cosmetologist, original license	\$10.00	\$ 25.00
Managing Cosmetologist, annual biennial renewal	\$ 5.00	\$ 15.00
Manicurist, original license	\$10.00	\$ 20.00
Manicurist, annual biennial renewal	\$ 5.00	\$ 15.00
Shampoo assistant, original license		\$ 15.00
Shampoo assistant, biennial renewal		\$ 15.00
Instructor, original license	\$15.00	\$ 30.00
Instructor, annual biennial renewal	\$ 5.00	\$ 20.00
Instructor of theory in related fields		\$ 10.00
Demonstrators, original license	\$10.00	\$ 30.00
Demonstrators, annual biennial renewal	\$10.00	\$ 15.00
Cosmetic Studio, original registration	\$35.00	\$ 70.00
Cosmetic Studio, annual biennial renewal	\$10.00	\$ 25.00
Reciprocity license fee (examination fee not included)	\$25.00	\$ 50.00
Esthetician, original registration		\$ 25.00
Esthetician, biennial renewal		\$ 15.00
Apprentice registration fee	\$ 2.00	\$ 5.00
Registration of Student in Beauty School	\$ 2.00	\$ 5.00
Registration fee for Student Instructor	\$ 5.00	\$ 10.00
Reissue of lost license Duplicate of license, renewal, or permit		\$ 5.00
Penalty fee for late renewal of license \$3.00 plus license and renewal fee		\$ 5.00
Fee for information concerning license standing—out of state	\$ 1.00	\$ 5.00
“(2) Examination		
s a Cosmetologist, or Master Cosmetologist	\$10.00	\$ 20.00
As a Managing Cosmetologist	\$10.00	\$ 20.00
As an Instructor	\$10.00	\$ 40.00
As a Manicurist	\$10.00	\$ 20.00
Re-examination fee for Cosmetologist or Managing Cosmetologist or Manicurist		\$ 20.00
Re-examination fee, Instructor		\$ 40.00
As an Esthetician		\$ 40.00
Re-examination fee, Esthetician		\$ 40.00
Student Apprentice Trainee, original fee		\$ 5.00
School for Estheticians, original registration		\$300.00
School for Estheticians, biennial renewal		\$100.00
Esthetician Salon, Original registration		\$ 70.00
Esthetician Salon, biennial renewal		\$ 40.00
Managing Esthetician, original license		\$ 25.00
Managing Esthetician, biennial renewal		\$ 15.00
Registration of student in school for estheticians		\$ 5.00

" §34-7-16.

"It shall be unlawful for any person, firm or corporation to practice cosmetology or skin care except in a bona fide established beauty shop, esthetician salon, school of cosmetology or school for estheticians wherein the requirements of laws as to proper and sanitary practices of cosmetology or skin care are complied with. Provided that nothing contained herein shall apply to any school or class operated by a public school board of education or public trade school.

" § 34-7-17.

"(a) The board may issue a temporary license to any person who otherwise is subject to examination, as provided in this chapter, upon documentary or other satisfactory evidence that the applicant therefor has the necessary qualifications to practice any one or any combination of practices of cosmetology for which a temporary license is applied; provided, that such application for a temporary license is accompanied by an application for an examination as provided in this chapter and the necessary fee therefor as provided in section 34-7-11. Each temporary license shall state the date of expiration, and the temporary license shall after such date be void and of no effect. Such temporary license shall in no event remain in force beyond the date of the next regular meeting of the board at which examinations are held and until the results of the applicant's examinations are announced. Two such temporary licenses may be issued to the same person.

"(b) Satisfactory documentary or other evidence of qualification for examination as herein provided shall consist of appropriate certification from the administrative head of the school of cosmetology, beauty shop, or the public school or trade school at which the applicant received his training.

"(c) Each temporary license shall state the date of expiration, and the temporary license shall after such date be void and of no effect. Such temporary license shall in no event remain in force beyond the date of the next regular meeting of the board at which examinations are held and until the results of the applicant's examination are announced."

" § 34-7-19.

"No license issued by the board shall be for a period longer than two years. All licenses shall expire on September 30 of odd-numbered years. Renewal applications must reach the office of the board on or before November 1 of the odd-numbered years. Applicants will be required to pay a penalty fee for each license not renewed prior to November 1. The holder of the expired certificate or license may have, within three years of the date of the expiration, the certificate restored upon the payment of the required renewal fees plus the penalty fee. The restoration fee shall be as follows: the sum of the accumulated renewal fees for the lapsed period, plus the penalty fee and the fee for the current year. Licenses which have expired for a period longer than three years may be restored upon successful completion of the practical part of the state board examination and payment of the examination fee, plus fees for the lapsed period. The board is further authorized to prorate fees pursuant to the adoption of biennial licensing as provided in this amendatory Act, so as to fairly charge for periods of time less than two years."

" § 34-7-21.

"The board shall have the power to refuse, revoke and suspend licenses and certificates, strictly in accordance with the provisions of this chapter,

upon proof of violation of any of the rules and regulations promulgated by the said board, or upon proof of violation of any of sections of this chapter.

"The board may refuse to grant or may revoke or suspend any certificate or license issued in any case where the holder of or applicant for such license or certificate shall have been guilty of fraud or dishonest conduct in the taking of the examination herein provided for, shall at any time have been convicted of a felony or of gross immorality, shall be guilty of grossly unprofessional or dishonest conduct, shall be addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or professions set forth in this chapter, shall advertise by means of knowingly false or deceptive statements or shall fail to display the license or certificate issued to him as provided for in this chapter. The board shall not, on any of the grounds in this section stated, refuse to issue or renew any license or certificate, nor shall it revoke or suspend any such license or certificate already issued except after a hearing, of which the applicant or licensee or the holder of the certificate affected shall be given at least 20 days' notice in writing, specifying the reason or reasons for denying the applicant a license or certificate or registration or, in case of a suspension or revocation, the offense or offenses of which the licensee or the holder of the certificate of registration is charged. Such notice may be served by mailing a copy thereof by registered or certified mail to the last known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be held in Montgomery county at such time as the board may prescribe.

"The members of the board shall have the power to administer oaths and shall have the power to require the attendance of witnesses and the production of such books, records and papers as it may desire at any hearing on any matter which the board has authority to investigate, and for that purpose may require the secretary of the board to issue a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of the county where such witness resides or may be found, which subpoenas and subpoenas duces tecum shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the sheriff and witnesses shall be the same as allowed in the circuit courts of this state. Such fees and mileage shall be paid from the fund of the board on deposit in the state treasury for the use of the board, in the same manner as other expenses of the board are paid. The board must subpoena all witnesses for whom subpoena is requested by the applicant, licensee or holder of a certificate, provided, that such request shall be made in writing to the secretary of the board at least 10 days prior to the date set for the hearing. All fees and mileage of the sheriff and witnesses subpoenaed at the request of such applicant, licensee or holder of a certificate shall be paid by the applicant, licensee or holder of a certificate, and execution may issue therefor the same as provided in civil cases in the circuit courts in this state."

" § 34-7-24.

"Nothing in this chapter shall prohibit service in case of emergency or domestic administration, without compensation, nor services by persons authorized under the laws of this state to practice medicine, surgery, dentistry, chiropody, osteopathy or chiropractic or the occupation of a masseur, nor services by barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices, namely: arranging, cleaning, cutting or singeing the hair of any person; or in massaging, cleansing, stimulating, exercising or similar work upon the

scalp, face or neck of any person with the hands, or with mechanical or electrical apparatus or appliance, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams. This chapter shall not apply to the services of personnel of the United States army, navy, air force or marine corps, or to registered nurses doing any of the acts or works defined as cosmetology; and this chapter shall not apply to the teaching or practice of cosmetology in training public school or trade school pupils.

"This chapter shall not apply to any person who only occasionally dresses hair and receives no compensation therefor, or does any other act or thing mentioned in subdivision (1) of subsection (a) of section 34-7-1, without holding herself or himself out to the public as a practicing cosmetologist, as defined in this chapter."

" §34-7-40.

"(a) The Alabama board of cosmetology shall consist of 10 persons, citizens of this state for at least five years prior to their appointment, for the purpose of carrying out and enforcing the provisions of this chapter. Such board shall be appointed by the governor. One member of such board shall reside in one of the following counties and shall be deemed to represent all of these counties: Mobile, Washington, Clark, Monroe, Wilcox and Choctaw; another member shall reside in one of the following counties and shall be deemed to represent all of these counties: Montgomery, Lowndes, Butler, Crenshaw, Pike, Covington, Conecuh, Escambia and Baldwin; another member shall reside in one of the following counties and shall be deemed to represent all of these counties: Tallapoosa, Chambers, Lee, Macon, Bullock, Russell, Barbour, Coffee, Dale, Henry, Geneva and Houston; another member shall reside in one of the following counties and shall be deemed to represent all of these counties: Calhoun, St. Clair, Talladega, Cleburne, Clay, Randolph, Coosa, Elmore, Autauga and Dallas; another member shall reside in one of the following counties and shall be deemed to represent all of these counties: Jefferson, Tuscaloosa, Pickens, Bibb, Shelby, Chilton, Perry, Hale, Greene, Sumter and Marengo; another member shall reside in one of the following counties and shall be deemed to represent all of these counties: Franklin, Marion, Lamar, Fayette, Winston, Walker, Cullman, Blount, Marshall, Etowah, DeKalb and Cherokee; another member shall reside in one of the following counties and shall be deemed to represent all of these counties: Lauderdale, Colbert, Lawrence, Limestone, Morgan, Madison and Jackson; three members shall reside in Jefferson County.

"(b) The members of the board shall be at least 25 years of age, must have had at least five years practical experience in the majority of the practices of cosmetology. Board members shall be appointed for terms of five years. Vacancies on the board shall be filled by the governor for the unexpired terms. Only one member of the board shall be a member of or affiliated with a school of cosmetology. Said board may do all things necessary and convenient for enforcing the provisions of this chapter. The board may from time to time promulgate necessary rules and regulations compatible with the provisions of this act. Any board member may be removed by the governor for just cause.

"(a) The Alabama Board of Cosmetology shall consist of seven persons appointed by the Governor, one from each congressional District. Four of these members shall be active licensed cosmetologists and three shall not be affiliated with the cosmetology industry. The terms of office for this Board shall be: seven appointed on October 1, 1981, one for a period of one year, two for a period of two years, two for a period of three years, two for a period of four years. All subsequent appointments shall be for a period of four years.

Vacancies on the board shall be filled by the Governor for the unexpired terms. Any of the four active licensed cosmetology board members, upon a vote of a majority of the cosmetology board, may serve as examiners for the state board examinations and may employ additional examiners as needed.

"(b) Said board may do all things necessary and convenient for enforcing the provisions of this chapter. The board may from time to time promulgate necessary rules and regulations compatible with the provisions of this act. Any board member may be removed by the Governor for just cause.

"(c) The board shall publish all its rules and regulations, together with a copy of this chapter and its amendments, and distribute the same to all licensees affected by the same. Amendments and changes in said rules and regulations shall likewise be published by the board and distributed to the licensees hereunder. The rules and regulations so published and distributed must be retained in each shop or school licensed by the board and must be available at all times to personnel in each shop or school and available to the general public where interest is manifested.

"(d) No rule or regulation of the board, or amendment or repeal of an existing rule or regulation, shall be effective until 20 days after written notice thereof shall have been given to each beauty shop owner and cosmetology school licensed under this chapter, but the failure of any such persons to receive the notice shall not invalidate the rule or regulation, amendment or repeal, except upon proof that the failure to give the notice was willful violation of this requirement."

" § 34-7-42.

"Members of the board shall be paid \$35.00 \$50.00 per day for transaction of board business, not to exceed 50 days during any calendar year. Such board members shall also receive travel expenses and expenses as other state employees. Such compensation and expenses shall be paid from funds derived from the operation of this chapter and deposited in the state treasury to the use of the board, upon requisition signed by the president and treasurer of the board and on warrant of the state comptroller. Any money remaining in this fund at the end of each fiscal year shall remain on deposit in the state treasury for the use of the Alabama Board of Cosmetology."

" § 34-7-46.

"Any investigation, inquiry or hearing which the said board is empowered by this chapter to hold or undertake may be held or undertaken by, or held before, any four members a majority of said board, and shall be deemed to be the finding or order of said board when approved and confirmed by a majority of said board."

Section 5. Sections 34-7-8, 34-7-13, 34-7-14, 34-7-22, and 34-7-23 of the Code of Alabama 1975, are hereby repealed and shall have no further force or effect of law.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Holmes, said substitute was laid on the table.

Yeas 16; Nays 11.

Abstaining 1.

*Yeas:*

Messrs.:	Figures	Kirkland	Robertson	
Barron	Higginbotham	Little	Teague	
Britnell	Hilliard	Parsons	Vacca	
Callahan	Holmes	Pearson	White	
Cook				—16

*Nays:*

Messrs.:	Harrison	McDonald	Proctor	
deGraffenried	Keener	Miller	Smith	
Denton	Martin	Mitchem	Taylor	
				—11

*Abstaining:* Mr. St. John. —1

Mr. Little offered the following amendment to the Bill, H. B. 104, to-wit:

#### AMENDMENT SUBSTITUTE TO H. B. 104

On page 1, line 16, delete the period and insert:

and provides further for said board.

On page 1, line 25, delete the period and insert:

and amending Section 34-7-11, Code of Alabama 1975, so as to provide further for the fees of said board.

On page 1, after line 37, add the following new Section 2 and renumber subsequent sections accordingly:

Section 2. Section 34-7-11, Code of Alabama 1975, is hereby amended to read as follows:

"§ 34-7-11.

"The various fees to be paid by the applicants for original registrations, licenses, annual biennial renewals, temporary permits, licenses issued upon reciprocity, and examinations, as required under this chapter shall be as follows:

"(1) Original registrations, licenses and annual biennial renewals thereof:

Beauty Shop, original registration	\$35.00	\$ 70.00
Beauty Shop, annual biennial renewal	\$10.00	\$ 30.00
School of Cosmetology, original registration		\$300.00
School of Cosmetology, annual biennial renewals	\$50.00	\$100.00
Cosmetologist, or Master Cosmetologist, original license	\$10.00	\$ 25.00
Cosmetologist, or Master Cosmetologist, annual biennial	\$ 5.00	\$ 15.00
Managing Cosmetologist, original license	\$10.00	\$ 25.00

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Managing Cosmetologist, annual biennial renewal	\$ 5.00	\$ 15.00
Manicurist, original license	\$10.00	\$ 20.00
Manicurist, annual biennial renewal	\$ 5.00	\$ 15.00
Shampoo assistant, original license		\$ 15.00
Shampoo assistant, biennial renewal		\$ 15.00
Instructor, original license	\$15.00	\$ 30.00
Instructor, annual biennial renewal	\$ 5.00	\$ 20.00
Instructor of theory in related fields		\$ 10.00
Demonstrators, original license	\$10.00	\$ 30.00
Demonstrators, annual biennial renewal	\$10.00	\$ 15.00
Cosmetic Studio, original registration	\$35.00	\$ 70.00
Cosmetic Studio, annual biennial renewal	\$10.00	\$ 25.00
Reciprocity license fee (examination fee not included)	\$25.00	\$ 50.00
Esthetician, original registration		\$ 25.00
Esthetician, biennial renewal		\$ 15.00
Apprentice registration fee	\$ 2.00	\$ 5.00
Registration of Student in Beauty School	\$ 2.00	\$ 5.00
Registration fee for Student Instructor	\$ 5.00	\$ 10.00
Reissue of lost license Duplicate of license, renewal, or permit		\$ 5.00
Penalty fee for late renewal of license \$3.00 plus license and renewal fee		\$ 5.00
Fee for information concerning license standing—out of state	\$ 1.00	\$ 5.00
"(2) Examination		
As a Cosmetologist, or Master Cosmetologist	\$10.00	\$ 20.00
As a Managing Cosemtologist	\$10.00	\$ 20.00
As an Instructor	\$10.00	\$ 40.00
As a Manicurist	\$10.00	\$ 20.00
Re-examination fee for Cosmetologist or Managing Cosmetologist or Manicurist		\$ 20.00
Re-examination fee, Instructor		\$ 40.00
As an Esthetician		\$ 40.00
Re-examination fee, Esthetician		\$ 40.00
Student Apprentice Trainee, original fee		\$ 5.00
School for Estheticians, original registration		\$300.00
School for Estheticians, biennial renewal		\$100.00
Esthetician Salon, Original registration		\$ 70.00
Esthetician Salon, biennial renewal		\$ 40.00
Managing Esthetician, original license		\$ 25.00
Managing Esthetician, biennial renewal		\$ 15.00
Registration of student in school for estheticians		\$ 5.00

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	deGraffenried	Harrison	Kirkland
Bailey	Denton	Higginbotham	Little
Barron	Figures	Hilliard	Martin
Britnell	Goodwin	Holmes	McDonald
Cook	Hall	Keener	Mitchem



Parsons	Robertson	Smith	Teague	
Pearson	St. John	Taylor	White	
Proctor				—28

*Nays:* —0

And said Bill, H. B. 104, as thus amended, was read a third time at length and passed.

Yeas 29; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Proctor	
Bailey	Hall	Martin	Robertson	
Barron	Harrison	McDonald	St. John	
Britnell	Higginbotham	Miller	Smith	
Cook	Hilliard	Mitchem	Taylor	
deGraffenried	Holmes	Parsons	Teague	
Denton	Keener	Pearson	White.	
Figures	Kirkland			—29

*Nays:* —0

#### RESOLUTIONS

Mr. Smith offered the following Senate Resolutions, to-wit:

S. R. 118. CONGRATULATING THE UNIVERSITY OF ALABAMA AT HUNTSVILLE, NAIA BASKETBALL FINALISTS.

Which was adopted.

Mr. Smith then offered the following Senate Joint Resolution, to-wit:

S. J. R. 119. CONGRATULATING THE UNIVERSITY OF ALABAMA AT HUNTSVILLE, NAIA BASKETBALL FINALISTS.

WHEREAS, under Head Coach A. L. "Kayo" Willis, now in his 8th year at the University of Alabama in Huntsville, the Chargers had their best basketball season ever, with a 30-7 win-loss record; advancing to the finals in the National Association of Inter-collegiate Athletes Tournament, they lost the title match by just one point in overtime; and

WHEREAS, it was the Chargers' third trip in eight years to the NAIA Tournament in Kansas City and they also captured the District 27 Championship for the third time and won the Southern States Conference Championship as well; and

WHEREAS, credit for outstanding accomplishments goes to team members James Mundie, Ben Mitchell, Ricky Knight, James Dumes, Kent Looney, Jeff Fitch, John Hannah, Harvey Craig, Chris Orr and Michael Rawls; all performed brilliantly on the court to contribute to UAH's spectacular season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we most highly commend Coach Kayo Willis and his UAH Chargers, finalists in the prestigious NAIA Basketball Tournament.

BE IT FURTHER RESOLVED, That Coach Willis receive a copy of this resolution on behalf of his staff and team, with a copy also provided for appropriate school display.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Mr. Holmes offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 205, on page 116 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 205, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Hilliard offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 366, on page 102 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 366, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gilmer (with notice and proof):

H. 745. Relating to Fayette County; providing for the compensation and expense allowance of the members of the county commission; and providing that a part of this act shall be retroactive to October 1, 1977.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 745, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Gilmer (with notice and proof):

H. 746. Relating to Lamar County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 746, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Shavers and Hall (with notice and proof):

H. 753. Relating to Jackson County, to raise the compensation of the jury commission and the compensation of the clerk of the commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 753, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Warren (with notice and proof):

H. 764. Relating to Monroe County; providing for the election of the superintendent of education; providing that only qualified electors residing in the school district served by such superintendent shall be entitled to vote in such election; and providing that this act shall become operative upon a majority of the qualified electors presiding in such district voting in favor of the election of the superintendent of education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 764, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Barton and Johnson (Roy) (with notice and proof):

H. 768. Relating to Tuscaloosa County; authorizing the county commission to levy a special school tax on real property outside the municipality of Tuscaloosa and located in school districts one and two upon approval by the qualified voters residing within the county but outside the municipality of Tuscaloosa.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 768, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 745, 746, 753, 764, and 768. To the Committee on Local Legislation No. 1.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 150. To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

Also:

S. 331. To amend Section 2-8-9 and repeal Section 2-8-14 of the Code of Alabama 1975 providing for a promotional program for the production, marketing, use and sale of cattle so as to further provide for the length of the period of assessment after a referendum on that subject and to repeal provisions providing for an election by cattle owners not to pay an assessment.

Also:

S. J. R. 100. HONORING MR. CHARLES W. BECKER UPON HIS RETIREMENT AS ASSISTANT TO THE COMPTROLLER OF THE STATE OF ALABAMA.

Also:

S. J. R. 109. EXPRESSING APPRECIATION TO DR. HOWARD GUNDY OF THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 110. WELCOMING DR. JOAB THOMAS AS PRESIDENT OF THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 114. WISHING PRESIDENT REAGAN A SPEEDY RECOVERY FROM INJURIES INFLICTED BY A MURDEROUS ATTACKER.

Also:

S. J. R. 115. NAMING THE HOME OF MR. AND MRS. GERALD WILLIS, LOCATED IN NANCEYS CREEK COMMUNITY OF CALHOUN COUNTY, "THE ALABAMA HERMITAGE."

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 101. Relating to the continued existence and functioning of the Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons provided for in Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, and as otherwise provided by law.

Also:

H. 103. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Speech Pathology and Audiology as provided in Sections 34-28A-1 through 34-28A-44 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-28A-21, 34-28A-23, 34-28A-24 and 34-28A-40 of the Code of Alabama 1975, so as to: Require applicants to pass an examination approved or promulgated by the board; remove requirement of board to maintain permanent records of all examination scores; provide that four (4) board members constitutes a quorum; and delete a waiver of examination provision (grandfather clause) which has served its purpose.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

S. 43. To provide that medical hospitals for humans, emergency rooms connected thereto, and nursing homes, submit itemized statements, upon request, to patients, of services rendered by said institutions and to provide penalties for failure to submit said statements.

was taken up.

On motion of Mr. Robertson, the Rules were suspended and further consideration of the Bill, S. B. 43, was postponed until the next Legislative Day.

The Bill:

S. 91. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits retired probate judges from practicing law.

was taken up.

On motion of Mr. Barron, further consideration of the Bill, S. B. 91, was postponed temporarily.

The Bill:

S. 180. To authorize and make provision for any county or any department, board, bureau, commission or agency of any county, whether incorporated or not, or any county public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any county, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each county and each such county public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations, to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; to provide that an issuer of securities shall be free from state supervision and control and from the provisions of Chapter 8, Title 11, CODE OF ALABAMA 1975; and to authorize counties and such county public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such county or such county public corporation under authority of laws other than this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Robertson
Bailey	Goodwin	Martin	St. John
Barron	Gulledge	Miller	Smith
Britnell	Hall	Mitchem	Taylor
deGraffenried	Holmes	Parsons	Weeks
Denton	Kirkland	Proctor	—22

*Nays:* —0

The Bill:

S. 181. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or

advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality, and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality, such agency or such municipal public corporation under authority of laws other than this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Parsons	
Bailey	Gulledge	Little	Proctor	
Barron	Hall	Martin	Smith	
Cook	Holmes	Miller	Taylor	
deGraffenried	Keener	Mitchem		—18

*Nays:* —0

#### FURTHER CONSIDERATION OF S. B. 91

The Senate proceeded to further consideration of the Bill, S. B. 91.

And said Bill, S. B. 91, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Holmes	Parsons	
Bailey	Gulledge	Kirkland	Proctor	
Barron	Hall	Little	Smith	
Britnell	Harrison	McDonald	Taylor	
deGraffenried	Higginbotham	Miller	Weeks	
Denton				—20

*Nays:* —0

Mr. Kirkland was granted permission to have his name added as co-sponsor of the above Bill.

The Bill:

S. 276. To amend Sections 27-8-1 through 27-8-9, 27-8-11 through 27-8-17, 27-8-20 through 27-8-22, and 27-8-26 through 27-8-28, Code of Alabama 1975, which provide for the licensing of life and disability insurance agents, brokers, and representatives, so as to provide further for said

licensing; to require educational instruction for new representatives; to permit the licensing of partnerships and corporations; to establish a fee schedule for licenses; to provide further for revocation or suspension of licenses and the procedure thereof; and to further provide for the issuance of temporary and non-resident licenses.

was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, S. B. 276, to-wit:

COMMITTEE AMENDMENT TO S. B. 276

In Section 1, in the quoted section 27-8-7, on page 11, delete the first six lines which appear as subsection (3) of subsection (b), and insert in lieu thereof the following:

(3) The times and places within the state for the holding of such examinations. An applicant shall be permitted to take an examination once in each two weeks in the principal office of the commissioner, and an examination shall be held at least as often as once in each three months in each congressional district.

Also in Section 1, in the quoted section 27-8-7, page 12, delete the first four lines of page 12 which appear as subsection (d), and insert in lieu thereof the following:

"(d) The commissioner may shall not secure the assistance of the state personnel department contract with any qualified educational testing institutions in for the preparation, and analysis or grading of the written portions of the examination."

In the title, page 1, line 21 and in Section 1, page 1, line 33, delete the code section numbered "27-8-9" and insert in lieu thereof the numbers; 27-8-8

In Section 1, page 12, delete entirely the quoted section 27-8-9 appearing on the twenty-first through the twenty-sixth lines of page 12.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Denton	Kirkland	Smith
Bailey	Goodwin	Little	Taylor
Barron	Hall	McDonald	Weeks
Callahan	Harrison	Miller	White
deGraffenried	Holmes	Parsons	

—18

*Nays:* —0

And said Bill, S. B. 276, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Barron	Denton	Hall
Bailey	Callahan	Goodwin	Higginbotham



Holmes	Martin	Parsons	Weeks	
Keener	Miller	Smith	White	
Kirkland	Mitchem	Taylor		—18
<i>Nays:</i>				—0

The Bill:

S. 266. To amend further section 16-13-52, Code of Alabama 1975, relating to apportioning the school minimum program fund, so as to provide that the number of teacher units to be allowed shall be based on average daily membership rather than average daily attendance and one teacher unit shall be allowed for each 29.6 pupils enrolled.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Denton	Kirkland	Smith	
Bailey	Goodwin	Little	Taylor	
Barron	Hall	Martin	Weeks	
Britnell	Higginbotham	Parsons	White	
Callahan	Holmes	St. John		—18
<i>Nays:</i>				—0

Messrs. Callahan and Barron were granted permission to have their names added as co-sponsors of the above Bill.

The Bill:

S. 369. To provide that the receipt of veterans' benefits is not counted as income when determining eligibility for medicaid benefits as a patient in a nursing home.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Holmes	Robertson	
Bailey	Goodwin	Little	St. John	
Barron	Gulledge	Martin	Taylor	
Britnell	Hall	McDonald	Weeks	
deGraffenried	Higginbotham	Parsons	White	
<i>Nays:</i>				—19
				—0

The Bill:

S. 236. To provide for a Life and Disability Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, S. B. 236, to-wit:

COMMITTEE AMENDMENT TO S. B. 236

In Section 7, subsection (1), page 4, in the tenth line of said section, change the word "memeber" to:

member

In Section 8, subsection (2)(c), page 5, in the second line of said subsection (2)(c), change the word "reasonable" to:

reasonably

In Section 8, subsection (9), page 7 on the fourth line of subsection (9), change the word "insurance" to:

insurer

In Section 14, subsection (4)(a), on page 17, on the fifth line of subsection (4)(a), change the word "fied" to:

fide

In Section 18, page 19, line 8 of Section 18, change the word "suite" to:

suit

In Section 19, page 19, on the sixth line of Section 19, change the word "of" to:

or

Also, on the eighth line of said Section 19, before the existing capitalized word "Insurance" insert the words:

Life and Disability

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Taylor
deGraffenried	Hilliard	Mitchem	Weeks
Denton	Holmes	Parsons	White

—19

*Nays:*

—0

And said Bill, S. B. 236, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	Martin	Smith
Barron	Hall	McDonald	Taylor
deGraffenried	Hilliard	Miller	Vacca
Denton	Holmes	Mitchem	Weeks
Glass	Kirkland	Parsons	White

—23

*Nays:*

—0

Mr. Bailey moved that the Senate reconsider the vote by which the Bill, S. B. 236, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Sasser, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 202. DESIGNATING THE MONTH OF MAY AS "DIABETES AWARENESS MONTH" IN ALABAMA.

WHEREAS, known as the "silent killer," Diabetes is the third leading cause of death as well as the most common cause of irreversible blindness; and

WHEREAS, alarmingly on the increase, Diabetes is doubling in prevalence every fifteen years and, in our own State of Alabama, some five percent of the population is afflicted with this insidious disease; and

WHEREAS, of these thousands of diabetic Alabamians, less than one-half are even aware that they have the disease which often is non-symptomatic in its early stages and undetectable other than through laboratory procedures; and

WHEREAS, the State of Alabama is unique, however, in that it has the only public diabetes hospital associated with a State University in the entire

world, the Diabetes Clinic at UAB which is a complete medical hospital facility devoted exclusively to the diagnosis, treatment and eradication, through research, of Diabetes; and

WHEREAS, further, associated with the Birmingham Diabetes Clinic is Dr. Buris R. Boshell, international authority on research and treatment of Diabetes; Dr. Boshell not only has travelled all over the world lecturing on the subject but has authored numerous books and papers accepted as the most knowledgeable source of information available on Diabetes; now therefore,

BE IS RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the month of May 1981, as "Diabetes Awareness Month in Alabama."

BE IT FURTHER RESOLVED, That we also urge Governor Fob James, in concurrence with this action, to also declare said month, by proclamation, as "Diabetes Awareness Month."

RESOLVED FURTHER, That a copy of this resolution be sent to Governor James with a copy also provided for Dr. Buris R. Boshell and the Diabetes Clinic of the University of Alabama at Birmingham.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 202, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cabaniss:

H. 239. To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

Also:

By Reps. Payne, Patton and Hines:

H. 482. Prescribing certain procedures which shall govern the sale or leasing of any public lands belonging to the state or any of its agencies or departments.

Also:

By Rep. Kelley:

H. 547. To amend Section 25-4-75, Code of Alabama 1975, as last amended, to comply with the requirement of federal law as contained in Public Law 96-499 relating to benefits under the extended benefit program so as to provide for a limit to the first 2 weeks of benefits paid on an interstate claim filed in an agent state where no extended benefit period is in effect; to

provide restrictions on eligibility for such benefits to individuals who fail to accept any offer of suitable work and to define "suitable work", actively engage in systematic and sustained effort to find work and to furnish tangible evidence of such efforts; to provide penalties for violations thereof; and to meet the requirements that these provisions become effective for weeks of unemployment commencing after March 31, 1981.

Also:

By Reps. Smith (C), Whatley and Letson:

H. 473. To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 327 relating to the promotion of production, research and development of swine and swine products so as to provide for a change in the assessment and assessment limits to be levied for such promotion.

Also:

By Reps. Letson, Cooley, Roberts, Blake, Shoemaker, Smith (C), Williams and Johnson (R. G.):

H. 474. To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 315 relating to the promotion of production, distribution, improvement, marketing, use and sale of soybeans and soybean products so as to provide for a change in the assessment limits to be levied for such promotion.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 239. To the Committee on Banking and Insurance.

H. B. 482. To the Committee on Governmental Affairs.

H. B. 547. To the Committee on Business and Labor Relations.

H. B.'s 473 and 474. To the Committee on Agriculture, Conservation, and Forestry.

(The above numbered Bills, H. B.'s 473 and 474, were read a first time at length as required by the Constitution.)

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Payne (with notice and proof):

H. 34. Relating to Jefferson County; to provide for the composition of any county planning commission established under Act No. 344, H. 775, 1947 Regular Session (General Acts of 1947, p. 217), or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404); to provide for the division of the county into districts, and to provide for the appointment of the members from said districts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 34, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Penry, Letson, Bedsole, Warren and Harper (T):

H. 527. To license and regulate grain dealers under the State Department of Agriculture and Industries; to require posting of bonds by dealers for the benefit of producers; to provide for inspection and investigation of grain dealers' operations and provide for hearings and suspension or revocation of grain dealers' licenses.

Also:

By Reps. Cates, Owens, Cabaniss, Sasser, Pegues, Moore, Manley, Clark (G), Minus, Willis, Carter, Riddick, Shavers, Sandusky, Coburn, Dial, McKee and Waggoner:

H. 549. To provide for the rate of interest on overdue or overpaid taxes administered by the state department of revenue; and to provide that the percentage of such tax in excess of the present rate of interest assessed by the said department shall be deposited in the general fund of the state treasury.

Also:

By Reps. Edwards, Grouby and Blake:

H. 154. To establish standards under which municipalities, in Classes 7 and 8, may purchase personal services or personal property from the elected officials of such municipalities under certain enumerated circumstances and conditions; to require disclosures; to establish procedures; and to repeal conflicting laws and statutes.

Also:

By Rep. Waggoner (with notice and proof):

H. 162. To repeal Act No. 707 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, pp. 1249 and 1250).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 162, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Drinkard:

H. 375. To amend section 25-4-91, The Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, so as to permit a claim to be reopened and redetermined within one year after the end of the benefit year if the original determination was based upon false or misrepresented information.

Also:

By Reps. Johnson (R. G.), Shoemaker and Carothers:

H. 216. Relating to the manufacture of prescription drugs requiring the identification of drug products; providing for an exemption in the case of hardship; providing for the disclosure of descriptive information; providing for the adoption of rules; providing for an exemption for drug products compounded by a pharmacist in a pharmacy; providing an effective date.

Also:

By Rep. Barton:

H. 227. To amend Section 40-5-9 of the Code of Alabama 1975, relating to ad valorem taxation so as to provide a ten percent (10%) penalty for the delinquent payment of same and to increase the interest due thereon.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 34 and 162. To the Committee on Local Legislation No. 2.

H. B. 527. To the Committee on Agriculture, Conservation, and Forestry.

H. B.'s 549 and 227. To the Committee on Finance and Taxation.

H. B. 154. To the Committee on Governmental Affairs.

H. B. 375. To the Committee on Business and Labor Relations.

H. B. 216. To the Committee on Health and Welfare.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 202. DESIGNATING THE MONTH OF MAY AS "DIABETES AWARENESS MONTH" IN ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MOTION IN WRITING

Mr. Teague offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 427, on page 57 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 427, referred to the Standing Committee on Rules for placement on the Consent Calendar.

ADJOURNMENT

At 6:30 P.M., on motion of Mr. St. John, in accordance with motion heretofore adopted, the Senate adjourned until Thursday, April 2, 1981, at 11 o'clock A.M.



SIXTEENTH LEGISLATIVE DAY  
THURSDAY, APRIL 2, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Doctor R. Elmer Nielsen, Pastor, Woodley Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White
Glass	Kirkland	Proctor	

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES  
ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fifteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Cook for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 93. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. PATRICK H. PETTWAY OF GREENE COUNTY, ALABAMA.

Also:

S. J. R. 94. DESIGNATING PROFESSIONAL SECRETARIES WEEK AND PROFESSIONAL SECRETARIES DAY IN ALABAMA.

Also:

S. J. R. 95. DESIGNATING PROFESSIONAL SECRETARIES WEEK AND PROFESSIONAL SECRETARIES DAY IN TUSCALOOSA COUNTY, ALABAMA.

Also:

S. J. R. 103. HONORING MRS. EDRIS SPEER UPON HER RETIREMENT FROM THE HEALTH CARE INDUSTRY OF ALABAMA.

Also:

S. J. R. 104. COMMENDING MR. YANCEY PARKER, PROMINENT ENTERPRISE BUSINESS AND CIVIC LEADER.

Also:

S. J. R. 105. COMMENDING MR. WARREN H. BROWN, DISTINGUISHED UNITED STATES ARMY VETERAN AND LONGTIME SUPPORTER OF THE AMERICAN LEGION.

Also:

S. J. R. 106. HONORING MR. GEORGE JOHNSON UPON HIS RETIREMENT AS ADMINISTRATOR OF CROSS TRAILS REGIONAL LIBRARY.

Also:

S. J. R. 107. COMMENDING MRS. JANE BENTON DAVIS UPON HER RETIREMENT.

JOHN W. PEMBERTON,  
Clerk.

#### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Higginbotham:

S. 555. To amend section 40-23-5 of the Code of Alabama 1975, as amended, so as to exempt the Most Worshipful Grand Lodge of Free and Accepted Masons of the state of Alabama and all of its affiliates from any state, county or municipal sales and use taxes.

Committee on Finance and Taxation.

By Messrs. Barron, Taylor and Robertson:

S. 556. To provide a ten percent cost-of-living pay increase in the compensation payable to certain state employees, judicial officers and personnel, and teachers and certain personnel in public education, out of certain funds coming into the state treasury as the result of the leasing of any state lands or water bottoms for oil and gas purposes.

Committee on Finance and Taxation.

By Messrs. Barron and Robertson:

S. 557. To exempt the National Multiple Sclerosis Society from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. deGraffenried:

S. 558. To amend Section 38-2-6 of the Code of Alabama 1975, which relates to the duties, powers and responsibilities of the state department of pensions and securities, so as to authorize the disclosure of otherwise confidential information by department personnel and others when there is probable cause to suspect that an applicant, recipient or their family members have been subjected to activity which may be deemed criminal, other than criminal activity associated with the administration of public assistance.

Committee on Judiciary.

By Mr. White:

S. 559. To amend section 20-2-2 (4) of the Code of Alabama, 1975, as amended to substitute the Medical Licensure Commission for the State Board of Medical Examiners as a certifying board for the purpose of administering the Alabama Uniform Controlled Substances Act as it relates to physicians and osteopaths; and to amend section 20-2-56 of the Code of Alabama, 1975, as amended, to give the rule making power presently held by the State Board of Medical Examiners to the Medical Licensure Commission.

Committee on Health and Welfare.

By Messrs. deGraffenried and Callahan:

S. 560. To create the Board of Corrections Capital Outlay Oversight Commission; to prescribe the composition and appointment of the membership and terms of office; to prescribe the commission's powers and duties; to provide for the election of a chairman and vice chairman of the commission and its organization, meetings and conduct of business; to make a conditional supplemental appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the Board of Corrections for capital outlay purposes and to prescribe the conditions of release therefor; and to provide for legislative compensation, per diem and travel expenses.

Committee on Finance and Taxation.

By Messrs. deGraffenried and Callahan:

S. 561. To create the Mental Health Capital Outlay Oversight Commission; to prescribe the composition and appointment of the membership and terms of office; to prescribe the commission's powers and duties; to provide for the election of a chairman and vice chairman of the commission

and its organization, meetings and conduct of business; to make a conditional supplemental appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the department of Mental Health for capital outlay purposes and to prescribe the conditions of release therefor; and to provide for legislative compensation, per diem and travel expenses.

Committee on Finance and Taxation.

By Messrs. Teague and Proctor.

S. 562. To amend §22-24-5, Code of Alabama 1975, as relates to the water well driller's license fee.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Gullledge:

S. 563. To amend Section 19-3-1, Code of Alabama 1975, which provides for the creation of trusts for the support of relatives, so as to provide further for said trusts.

Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 106. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Social Work Examiners as provided in Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, with certain modifications; to amend Section 34-30-26 of the Code of Alabama 1975, so as to specifically provide that failure to actively practice social work shall not be a basis for denying a license renewal provided all fees are paid.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 105. To terminate the existence and functioning of the State Board of Registration for Sanitarians, and to transfer its training funds or monies, duties and functions to the State Health Department.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 100. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Polygraph Examiners as provided in Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24, and 34-25-29, Code of Alabama 1975; and to repeal Section 34-25-31 of the Code of Alabama 1975, so as to: Eliminate the requirement that appointees to the board be approved by the senate; remove the board's authority to set travel and expense allowances; authorize the board to set salaries of its employees and hire temporary investigatory employees; provide further for the collection and use of fees of the board; provide for \$50.00 per day plus mileage allowance for board members when meeting; provide same mileage and per diem travel expenses for board members as are paid to state employees; authorize board to determine which expenses of the board are necessary, subject to state bid law; provide board's purchases may be made through state finance department purchasing agency; exempt board from payment of state sales tax; lower age requirement for examiners from 25 to 21; alter the baccalaureate requirement of examiners; to place board on same fiscal year as the state; and to repeal Section 34-25-3, Code of Alabama 1975, which prescribes the type of instrument examiners must use.

JOHN W. PEMBERTON,  
Clerk.

#### BILL RE-REFERRED

Mr. Vacca moved that the Bill, H. B. 191, be removed from the Standing Committee on Local Legislation No. 2 and referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 191, re-referred to the Standing Committee on Governmental Affairs.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 196. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 105. To terminate the existence and functioning of the State Board of Registration for Sanitarians, and to transfer its training funds or monies, duties and functions to the State Health Department.

Also:

H. 106. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Social Work Examiners as provided in Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, with certain modifications; to amend Section 34-30-26 of the Code of Alabama 1975, so as to specifically provide that failure to actively practice social work shall not be a basis for denying a license renewal provided all fees are paid.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Payne, Biddle III, Olive, Gafford, Amari, Cabaniss, Lewis, Horn, Trammell, Moore, Waggoner, Boles, Howard, Cheatwood, Harrison, Escott, Bennett, Jackson, and Seibels.

H. J. R. 206. COMMENDING DR. KEITH D. BLAYNEY OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

Also:

By Reps. Daniels, Carothers, Grimsley, and Williams.

H. J. R. 209. COMMENDING THE MEMBERS OF W. I. F. E., WOMEN INVOLVED IN FARM ECONOMICS.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 206, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Holmes, the Rules were suspended and the Resolution, H. J. R. 209, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McKee, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 205. NAMING THE SUMITON ELEMENTARY SCHOOL IN SUMITON, WALKER COUNTY, ALABAMA, THE "ALVIS E. NARAMORE SCHOOL."

WHEREAS, Alvis E. Naramore of Jasper, Alabama, is serving his third consecutive term in the Alabama Legislature representing House District 13, the Eastern portion of Walker County; and

WHEREAS, a native of Walker County and a Jasper businessman, Mr. Naramore has long distinguished himself in service to his community and indeed to the entire State of Alabama; and

WHEREAS, a graduate of Carbon Hill High School, Alvis Naramore is a member of the Chamber of Commerce, Shriners, Order of the Eastern Star, Masons and the Elks; and

WHEREAS, Representative Naramore in serving the needs of the citizens of Walker County and Alabama is a staunch proponent of the public schools of our state, recognizing that future prosperity for Alabama is dependent upon the education of our youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to our friend and colleague, Representative Alvis E. Naramore, we hereby name the Sumiton Elementary School in Sumiton, Walker County, Alabama, the "Alvis E. Naramore School."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said school as the "Alvis E. Naramore School."

RESOLVED FURTHER, That Mr. Naramore receive a copy of this resolution as a memento of this honorary designation in gratitude for his service to Walker County and to the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Hall, the Rules were suspended and the Resolution, H. J. R. 205, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

COMMITTEE REPORT FILED

Pursuant to the provision of H. J. R. 249, Act No. 80-722 of the Regular Session, the report of the Joint Interim Committee to Study the Needs and Necessities of Off-Campus Branches or Centers of Junior Colleges was read and ordered filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 102. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-20, 34-29-23 of the Code of Alabama 1975, so as to: limit board members to two terms; and to provide further for the compensation of board members.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Hammett, Dial, and Seibels.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Miller, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 102, the title of which is set out in the foregoing Message from the House.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	St. John
Barron	Gulledge	Little	Smith
Britnell	Hall	McDonald	Teague
Callahan	Harrison	Miller	Vacca
deGraffenried	Higginbotham	Parsons	White
Denton	Holmes		

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Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Miller, Kirkland, and White.

RESOLUTION

Messrs. Teague, Bailey, Barron, Britnell, Callahan, deGraffenried, Denton, Figures Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:



S. J. R. 120. WISHING A SPEEDY RECOVERY FOR SENATOR DOUG COOK.

WHEREAS, we regret to learn that Senator Doug Cook has been hospitalized in Birmingham, Alabama; and

WHEREAS, our good friend and colleague, Senator Cook is serving his third term in the Legislature and this body is ever mindful of his invaluable service to state government and to all citizens of Alabama; and

WHEREAS, though expressing concern in his confinement, we are confident that he soon will be returning to his duties with the legislature and his involvement in the affairs of state government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend all best wishes to our friend Doug Cook and sincerely hope he will be returning to Montgomery shortly.

BE IT FURTHER RESOLVED, That Senator Cook receive a copy of this resolution that he and his family may know of our sincere wishes for his speedy recovery.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 104. Relating to the continued existence and functioning of the Board of Cosmetology provided for in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, and as otherwise provided by law.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Smith (M), Whatley, and Hammett.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Holmes, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 104, the title of which is set out in the foregoing Message from the House.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:  
Barron  
Callahan  
deGraffenried  
Denton

Glass  
Gulledge  
Hall  
Harrison  
Hilliard

Holmes  
Lemaster  
Little  
Martin  
Miller

Parsons  
St. John  
Teague  
White

—18

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Holmes, Parsons, and Mitchem.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 100. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Polygraph Examiners as provided in Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24, and 34-25-29, Code of Alabama 1975; and to repeal Section 34-25-31 of the Code of Alabama 1975, so as to: Eliminate the requirement that appointees to the board be approved by the senate; remove the board's authority to set travel and expense allowances; authorize the board to set salaries of its employees and hire temporary investigatory employees; provide further for the collection and use of fees of the board; provide for \$50.00 per day plus mileage allowance for board members when meeting; provide same mileage and per diem travel expenses for board members as are paid to state employees; authorize board to determine which expenses of the board are necessary, subject to state bid law; provide board's purchases may be made through state finance department purchasing agency; exempt board from payment of state sales tax; lower age requirement for examiners from 25 to 21; alter the baccalaureate requirement of examiners; to place board on same fiscal year as the state; and to repeal Section 34-25-3, Code of Alabama 1975, which prescribes the type of instrument examiners must use.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

RESOLUTION

Mr. Callahan offered the following Senate Joint Resolution, to-wit:

S. J. R. 121. CREATING A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND FOR THE WINDFALL STATE OIL LEASE REVENUES.

WHEREAS, the State of Alabama finds a unique opportunity in the large windfall accruing to the state from its recent oil leases; and

WHEREAS, no legislature in the history of Alabama has had the opportunity to address the critical capital needs of the state without imposing burdensome taxes upon the people; and

WHEREAS, it is possible to place the revenues of the oil leases in a perpetual interest fund and to reserve the interest from this money to meet the needs of the state; and

WHEREAS, it is the responsibility of this legislature to carefully and wisely weigh the alternatives of expending these oil lease revenues today for establishing a perpetual legacy that year-by-year could be used to build and renovate state facilities; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint interim legislative committee be established, consisting of seven (7) members of the Senate and seven (7) members of the House, appointed by presiding officer in each House to investigate the feasibility of establishing a perpetual interest fund and to report back to the legislature no later than April 28, 1981.

BE IT FURTHER RESOLVED That this interim committee meet with the leaders of state agencies responsible for mental health, prisons, education, spokesmen of these fields and representatives of banks, and other financial institutions to determine the best possible method of funding these agencies' needs and that the legislature not formulate plans that could seriously impact these funds prior to this committee's report.

BE IT FURTHER RESOLVED That due to the brief time available for this committee that the interested public be asked to immediately contact members of this committee with their views.

On motion of Mr. Callahan, the Rules were suspended and the Resolution was adopted by the Senate.

#### LOCAL BILLS ON THIRD READING

The Bill:

S. 483. To authorize the Wilcox County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering wine to retailers in Wilcox County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Proctor	
Bailey	Goodwin	Little	St. John	
Barron	Hall	Martin	Taylor	
Britnell	Hilliard	Miller	Vacca	
Callahan	Holmes	Parsons	Weeks	
Denton	Keener	Pearson	White	
Figures	Kirkland			—25

*Nays:* —0

The Bill:

S. 506. To exempt the Chattahoochee Valley Hospital Society from the payment of all county and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Higginbotham	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

*Nays:* —0

The Bill:

S. 507. Relating to Chambers County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Miller	Smith	
Bailey	Goodwin	Mitchem	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Higginbotham	Pearson	Vacca	
Callahan	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Little			—25

*Nays:* —0

The Bill:

S. 508. Relating to Lee County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Higginbotham	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Denton	Keener	Proctor	White	
Figures	Kirkland			—25

*Nays:* —0

The Bill:

H. 663. Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of

registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Hilliard	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Figures	Little			—25

*Nays:* —0

The Bill:

H. 140. Relating to Sumter County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Hilliard	Pearson	Vacca	
Callahan	Holmes	Proctor	Weeks	
deGraffenried	Keener	St. John	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 730. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority and providing penalties for violations.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Hilliard	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Denton	Lemaster	Proctor	White	
Figures	Little			—25

*Nays:* —0

The Bill:

H. 669. Relating to Colbert County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.  
was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Smith
Bailey	Hilliard	Mitchem	Taylor
Britnell	Holmes	Parsons	Teague
Denton	Keener	Pearson	Vacca
Glass	Lemaster	Proctor	Weeks
Goodwin	Little	St. John	White
Gulledge	Martin		

—25

Nays: —0

The Bill:

H. 670. To repeal Act No. 2454, H. 2806, 1971 Regular Session (Acts 1971, p. 3921), entitled, "An Act Relating to counties having populations of not less than 49,000 nor more than 51,000, according to the most recent federal decennial census; fixing the fee for issuance of pistol permits by the sheriff and providing for distribution and use of such fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Smith
Bailey	Hilliard	Mitchem	Taylor
Britnell	Holmes	Parsons	Teague
Denton	Keener	Pearson	Vacca
Glass	Lemaster	Proctor	Weeks
Goodwin	Little	St. John	White
Gulledge	Martin		

—25

Nays: —0

#### REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan (With Amendment):

S. 450. To exempt the Villa Mercy, A corporation, the Allen Memorial Home, Inc., the Little Sisters of the Poor Home for the Aged, Inc., and the Particular Council of Mobile Society of St. Vincent de Paul from all state, county and use taxes.

By Messrs. Smith, McDonald and Harrison (With Amendment):

S. 359. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize active solar energy devices.

By Messrs. Smith, McDonald and Harrison (With Amendment):

S. 360. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize passive solar energy.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Cates, et al:

H. 549. To provide for the rate of interest on overdue or overpaid taxes administered by the state department of revenue; and to provide that the percentage of such tax in excess of the present rate of interest assessed by the said department shall be deposited in the general fund of the state treasury.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin (With Amendment):

S. 39. To exempt Alabama Sheriffs' Boys' and Girls' Ranches, Inc., from the payment of all state, county, and municipal sales and use taxes and to provide for retroactive effect.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Higginbotham, Parsons, Kirkland, Teague, Callahan, Cook, Gullledge, Keener, Robertson, Bailey and Vacca (With Substitute):

S. 335. To amend Sections 40-17-38 and 40-17-221, Code of Alabama 1975, so as to authorize and direct the Commissioner of the Department of Revenue of this state to allow a discount, not to exceed two percent (2%) of the first Five Thousand Dollars (\$5,000) of taxes paid and one percent (1%) of all amounts of taxes paid in excess of Five Thousand Dollars (\$5,000) and not to exceed in any case Five Hundred Dollars (\$500) on taxes paid in any one month, to licensed and bonded refiners, storers, distributors or wholesalers as defined by Section 40-17-30, Code of Alabama 1975, who collect excise taxes under the provisions of Sections 40-17-31 and 40-17-220, Code of Alabama 1975.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 129. To amend Section 40-23-50, Code of Alabama 1975, in order to exempt from the gross receipts tax levied therein amounts paid to road contractors under contractual escalation provisions for escalations in the cost of fuels, materials, and/or labor.

By Mr. Teague:

S. 121. To provide that any member of the judicial retirement fund shall be entitled to purchase prior service credit toward retirement for certain time served in the legislature.

By Mr. Denton:

S. 306. To amend Section 40-6-1 which pertains to supernumerary tax collectors, tax assessors and license commissioners, so as to authorize credit for time served as a chief deputy sheriff.

By Mr. Harrison:

S. 61. To amend the title and sections 1, 2, 6 and 7 of Act No. 80-739, S. 403, of the 1980 Regular Session now appearing as sections 40-17-160 through 40-17-166 of the Code of Alabama 1975 relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles, provide further for decals to be placed on such vehicles, provide certain exemptions from taxation of such gas, and to provide further for penalties for the violation of the provisions of the act.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Parsons:

S. 411. To amend Section 15-22-32, Code of Alabama 1975, relating to the holding of parole courts by the board of pardons and paroles for alleged parole violations, so as to provide further for the holding of such parole courts.

By Mr. Keener:

S. 498. To provide for commitment hearings to determine whether defendants acquitted of crimes by reason of insanity should be involuntarily committed to the Alabama state department of mental health; to provide for initial detention of the defendants prior to the final hearings; and to provide for the commitment of such persons.

By Mr. Keener:

S. 167. To amend Section 17-22-3(6) and Section 17-22-3(7) of the Code of Alabama 1975 which sections relate to enumerated corrupt practices.

By Mr. Keener:

S. 374. To amend Section 26-10-4, Code of Alabama 1975, relating to adoptions, so as to further regulate the opening by the state registrar of vital statistics of the sealed package, on file in his office, containing the original certificate of birth with the decree of the court, upon demand of an adopted child who has attained his majority.

By Mr. Denton:

S. 481. To amend § 12-16-34, Code of Alabama 1975, which section relates to the compensation of members of the jury commission; to provide that the amount of compensation to which a member of the jury commission is entitled shall be paid by the state upon the certification of the chairman of the jury commission.



By Mr. Parsons:

S. 201. To amend Section 34-3-41 of the Code of Alabama 1975, which relates to the board of commissioners of the state bar, so as to further regulate their selection, the time and place of elections and the term of office, and the filling of vacancies.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (With Amendment):

S. 64. To provide for the issuance of distinctive license plates to the recipients of the Medal of Honor.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Holmes:

S. 407. To amend Section 36-26-17 of the Code of Alabama 1975, so as to increase the number of eligibles an appointing authority may have to consider in filling vacancies by appointment from eligible registers.

By Mr. Miller:

S. 455. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41, and 34-29-45 of the Code of Alabama 1975, so as to: limit board members to two terms; authorize the board to increase the following fees: (1) examination fee for veterinarians, not to exceed \$50.00; (2) annual renewal fees for veterinarians, not to exceed \$25.00; (3) examination fee for animal technicians, not to exceed \$25.00; and (4) annual renewal fees for animal technicians, not to exceed \$15.00; and to provide further for the compensation of board members.

By Mr. Miller:

S. 487. To amend Section 41-16-107, Code of Alabama 1975, relating to contracts for sale of certain state property; providing that the provisions of Article 5 at Sections 41-16-100 through 41-16-109, Code of Alabama 1975, as amended, shall not apply to the sale or disposal of tangible personal property by the State Highway Department when the purchaser or recipient is a county governing body of this state.

By Mr. Mitchem:

S. 524. To amend section 24-1-24, Code of Alabama 1975, dealing with housing authorities, so as to provide further for compensation to be paid to commissioners employed by such housing authorities in certain municipalities.

By Rep. Turner:

H. 25. To authorize certain governmental agencies to donate things of value to any voluntary organized fire department or organized rescue squad.

By Rep. Pegues:

H. 115. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901; which Section defines general, local and special or private laws; to validate and confirm Act 79-263 (House Bill No. 68) which Act established eight classes of municipalities and each and every act enacted which refers or relates to a class of municipalities established under the provisions of Act No. 79-263.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Cosby:

H. 596. To provide a procedure in all Class 5 municipalities for filling vacancies, unless otherwise provided by local law, occurring in the governing bodies of such municipalities; to provide for special elections in certain circumstances; and to provide that this procedure shall apply to any vacancies existing as of the effective date of this Act.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Willis:

H. 426. To amend §33-5-17, Code of Alabama 1975, so as to increase boat registration fees.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

S. 261. To amend 25-2-12, Code of Alabama 1975, as last amended, relating to the Board of Appeals for the Alabama Department of Industrial Relations so as to provide for the appointment of additional alternate members and for the constitution of additional Boards during periods of high appeal workloads.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham:

S. 510. To prescribe that all public school systems shall allow official recruiting representatives of the armed or military forces of the United States or of the state reasonable access to their facilities and students for the purpose of presenting recruiting programs, administering tests, and generally informing students on occupational and educational options.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Proctor, Higginbotham and Bailey (With Amendments):

S. 93. To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and municipalities, municipal electric utility boards and public corporations owning or operating electric distribution systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, along with all income and property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix

the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 419. To define and regulate self-service facilities; to provide for a lien on property stored in such facilities; and to provide for the enforcement of said lien.

By Mr. Gullledge:

S. 520. To amend sections 11-50-310, 11-50-311, 11-50-313, and 11-50-321, Code of Alabama 1975, which provide that municipal utility boards may acquire, operate and finance cable television systems in the same manner as other utility systems, so as to provide further for said systems.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Little (with notice and proof):

S. 547. Relating to Randolph County; providing for an additional allowance for election officials who work at polling places.

By Mr. Weeks (with notice and proof):

S. 504. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Banks, in Pike County.

By Reps. Sasser and Williams (with notice and proof):

H. 438. To authorize the Dale County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

By Rep. Harvey (with notice and proof):

H. 573. Relating to Etowah County; to provide that the county commission must approve any concerts or events for which a license tax is charged pursuant to section 40-12-82 of the Code of Alabama 1975 before such license is issued.

By Reps. Sasser and Grimsley (with notice and proof):

H. 641. Relating to Henry County; providing further for the salary of the county superintendent of education and providing for an effective date.

By Reps. Sasser and Grimsley (with notice and proof):

H. 642. Relating to Henry County; providing further for the expense allowance of the members of the county board of education.

By Reps. Sasser and Grimsley (with notice and proof):

H. 643. Relating to Henry County; providing for an expense allowance for the county superintendent of education; repealing Act No. 1169, H. 1854, Regular Session 1971 (Acts 1971, p. 2026); and providing for its retroactive effect.

By Rep. Gilmer (with notice and proof):

H. 745. Relating to Fayette County; providing for the compensation and expense allowance of the members of the county commission; and providing that a part of this act shall be retroactive to October 1, 1977.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Vacca (with notice and proof):

S. 548. Relating to Jefferson County; to provide that the executive assistant to the sheriff shall be entitled to any cost-of-living pay increases, merit raises and longevity pay in the same manner as other county employees; and to make this act retroactive to May 23, 1977.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Miller:

S. 43. To provide that medical hospitals for humans, emergency rooms connected thereto, and nursing homes, submit itemized statements, upon request, to patients, of services rendered by said institutions and to provide penalties for failure to submit said statements.

By Mr. Britnell:

S. 362. To amend Section 33-15-6 of the Code of Alabama 1975, relating to the powers, duties and functions of the Bear Creek Development Authority, so as to authorize the hiring of park rangers to enforce certain rules and regulations including those of Section 33-15-7(c); to give conservation enforcement officers the same authority; and to give said rangers and officers the power and authority of deputy sheriffs over any property owned or under the jurisdiction of the Bear Creek Development Authority.

By Mr. Bailey:

S. 233. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

By Mr. McDonald:

S. 324. To authorize certain officials of the state's high schools, colleges, universities, and four-year institutions of higher learning to register

eligible students to vote, subject to the approval of the local board of registrars, and to provide that the provisions hereof shall be supplemental to the existing state and local laws regarding voter registration.

By Messrs. White and deGraffenried:

S. 323. To authorize certain minors to consent to the donation of bone marrow for purposes of bone marrow transplantation and authorize a parent or legal guardian of all other minors to consent to such bone marrow transplantation.

By Messrs. Parsons, Robertson, Cook and Hall:

S. 389. To amend further Section 6-5-332, Code of Alabama 1975, relating to liability for civil damages as a result of rendering first aid or emergency care to certain injured persons, so as to include within the protective provisions of that section certain other persons rendering first aid or emergency care.

By Reps. Minus and Manley:

H. 35. To repeal section 12-18-62 of the Code of Alabama 1975 which disallows the practice of law by retired district judges.

#### CONSENT CALENDAR

The Bill:

S. 43. To provide that medical hospitals for humans, emergency rooms connected thereto, and nursing homes, submit itemized statements, upon request, to patients, of services rendered by said institutions and to provide penalties for failure to submit said statements.

was taken up.

On motion of Mr. Miller, the Rules were suspended and he was granted permission to offer the following substitute for the Bill, S. B. 43, to-wit:

#### SUBSTITUTE FOR S. B. 43

#### A BILL TO BE ENTITLED AN ACT

To provide that medical hospitals for humans, emergency rooms connected thereto, and nursing homes, submit itemized statements, upon request, to patients, of services rendered by said institutions and to provide penalties for failure to submit said statements.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act, the term "hospital" shall mean any hospital in which human patients are given medical care. It shall include all emergency rooms or outpatient facilities connected thereto.

Section 2. Within ten days following discharge or release from confinement in a hospital or nursing home, or within ten days after the earliest date at which the expense from the confinement or service may be determined, which in the case of long-term confinement may be the monthly charge, the hospital or nursing home providing the service shall submit to the patient, or to his survivor or legal guardian as may be appropriate, upon

written request, an itemized statement detailing in language comprehensible to an ordinary layman the specific nature of charges or expenses incurred by the patient, which in the initial billing shall contain a statement of specific services received and expenses incurred for each such item of service, enumerating in detail the constituent components of the services received within each department of the hospital or nursing home and including unit-price data on rates charged by the hospital or nursing home. This statement shall not include charges of hospital based or nursing home based physicians if billed separately.

Section 3. In any billing for hospital or nursing home services subsequent to the initial billing for such services, whether it is a restatement of the initial bill or a bill of additional charges, the patient or his survivor or legal guardian may elect, upon written request, to receive a copy of the detailed statement of specific services received and expenses incurred for each such item of service as provided in Section 2 of this Act. The hospital or nursing home shall have ten days from the receipt of the request to provide said statement.

Section 4. All provisions of Section 2 of this Act shall be followed if a written request is made within thirty days of discharge from the facility. If such request is made after thirty (30) days of discharge then the ten day period will not be in effect. Instead the hospital or nursing home providing the service shall have thirty (30) days to meet the request. All requests shall be made within one year of discharge.

Section 5. The Attorney General shall maintain an action in the name of the State for an injunction to restrain any person, firm, association or corporation from operating, conducting or managing a hospital in violation of the provisions of this Act if and when violations are brought to his attention by an individual after a due process of law procedure has been followed.

Section 6. The provisions of this Act shall not apply in cases where regulations by the federal or the state government so stipulate.

Section 7. Hospitals can print information on the statement as to the procedure that must be followed by insurance companies relating to the payment of claims made by persons in possession of the statement referred to in Section 2 of this Act. An addendum which prohibits insurance companies from paying to the patient any amounts due the hospital by the patient is acceptable. Any insurance company making a payment to the patient without positive validation from appropriate hospital officials shall be held liable for such payment to the hospital and shall be guilty of a misdemeanor.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 10. This Act shall become effective 60 days after its passage and approval by the Governor, or after it otherwise becomes a law.

Which was adopted.

REGULAR SESSION  
16th Day

665

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	St. John
Barron	Harrison	Martin	Teague
Britnell	Holmes	Miller	Weeks
Denton	Kirkland	Pearson	White
Goodwin	Lemaster	Robertson	

—18

*Nays:* —0

And said Bill, S. B. 43, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Hall	Little	Teague
Barron	Harrison	Martin	Weeks
Callahan	Holmes	Miller	White
Denton	Kirkland	Parsons	

—18

*Nays:* —0

The Bill:

S. 362. To amend Section 33-15-6 of the Code of Alabama 1975, relating to the powers, duties and functions of the Bear Creek Development Authority, so as to authorize the hiring of park rangers to enforce certain rules and regulations including those of Section 33-15-7(c); to give conservation enforcement officers the same authority; and to give said rangers and officers the power and authority of deputy sheriffs over any property owned or under the jurisdiction of the Bear Creek Development Authority.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Gulledge	McDonald	Teague
Barron	Holmes	Mitchem	Vacca
Britnell	Lemaster	Parsons	Weeks
Denton	Little	Pearson	White
Goodwin	Martin	Robertson	

—18

*Nays:* —0

The Bill:

S. 233. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements



consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

was taken up.

On motion of Mr. Bailey, the Rules were suspended and further consideration of the Bill, S. B. 233, was postponed until the Nineteenth Legislative Day.

The Bill:

S. 324. To authorize certain officials of the state's high schools, colleges, universities, and four-year institutions of higher learning to register eligible students to vote, subject to the approval of the local board of registrars, and to provide that the provisions hereof shall be supplemental to the existing state and local laws regarding voter registration.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Harrison	Martin	Robertson
Barron	Holmes	McDonald	St. John
Denton	Kirkland	Miller	Teague
Goodwin	Lemaster	Parsons	Vacca
Gulledge	Little	Proctor	White

—19

*Nays:*

—0

#### MOTIONS IN WRITING

Mr. Figures offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 445, on page 94 of the 16th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 445, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Miller offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 441, on page 99 of the 16th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 441, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

S. 323. To authorize certain minors to consent to the donation of bone marrow for purposes of bone marrow transplantation and authorize a parent or legal guardian of all other minors to consent to such bone marrow transplantation.

was taken up.

Under the provisions of Senate Rule 14 (4), Mr. White was granted unanimous consent to take up the Bill:

H. 502. To authorize certain minors to consent to the donation of bone marrow for purposes of bone marrow transplantation and authorize a parent or legal guardian of all other minors to consent to such bone marrow transplantation.

in place of the Consent Calendar Bill, S. B. 323.

And said Bill, H. B. 502, was read a third time at length and passed.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	St. John
Bailey	Hall	McDonald	Teague
Barron	Holmes	Miller	Vacca
Denton	Kirkland	Mitchem	Weeks
Goodwin	Little	Parsons	White

—19

*Nays:* —0

And on motion of Mr. White, further consideration of the Bill, S. B. 323, was indefinitely postponed by the Senate.

The Bill:

S. 389. To amend further Section 6-5-332, Code of Alabama 1975, relating to liability for civil damages as a result of rendering first aid or emergency care to certain injured persons, so as to include within the protective provisions of that section certain other persons rendering first aid or emergency care.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Taylor
Callahan	Harrison	Miller	Teague
deGraffenried	Higginbotham	Mitchem	Weeks
Denton	Holmes	Parsons	White
Figures	Kirkland		

—25

*Nays:* —0

Mr. Kirkland was granted permission to have his name added as co-sponsor of the above Bill.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 122. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 16th legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 59	20	Interest and usury
S. B. 70	3	Healing Arts transfer to Chiropractic
S. B. 71	4	Medical Licensure Commission
S. B. 46	19	Bank investigators
S. B. 243	34	P. S. C., expense allow.
S. B. 290	22	Conservation, Comm. of, special permits limited
S. B. 134	55	Mtr. Veh., odometers
S. B. 115	114	Pardons & Paroles Bd., suppl. approp.
S. B. 299	82	Water, Gas, Electric Directors, fee incr.
S. B. 113	24	Ed., Bds. Line item transfer
S. B. 293	113	Schools, fees, alternate means of approp.
H. B. 471	106	Relating to election of the county supt. of education
S. B. 297	45	Goodwill Industries, B'ham., exempt
S. B. 206	48	Children, legitimation process, guardian
S. B. 275	68	Juvenile Proceedings, age revision
S. B. 279	17	Public warehouse, fire ins.
S. B. 164	10	Drugs, Med. Exam, investigators, enforce
H. B. 223	68	Deceptive Trade and Practices Act
S. B. 157	9	Day care child fac., church, exempt
S. B. 283	34	Corp., campaign contributions
S. B. 184	33	Dept. of Human services, created
S. B. 316	63	Fire Extinguishers, licenses & regulations
S. B. 406	60	Truck Tractors, taxes & fees, exempt
S. B. 250	47	AL Business Corporation Act, am'd
S. B. 200	39	Schools, report property damage & assaults

S. B. 118            43    Ad valorem taxation, delinquent pymt.  
S. B. 222           21    Boats, reg. fee incr.

On motion of Mr. Mitchem, said Resolution was adopted by the Senate.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

H. 35. To repeal section 12-18-62 of the Code of Alabama 1975 which disallows the practice of law by retired district judges.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Smith
Bailey	Goodwin	Lemaster	Taylor
Barron	Hall	Little	Teague
Callahan	Harrison	Martin	Vacca
deGraffenried	Higginbotham	Miller	Weeks
Denton	Holmes	Robertson	White

—23

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Manley, Peques, Reed, Campbell, McMillan, Whatley, Letson, Adams (H), Penry, Greer, Bedsole, Smith (J), Smith (M), Warren, Willis, Carothers, Cates, Carter, Rains, Harper (T), Clark (G), Starkey, Wyatt, Harper (O), Edwards and Blake:

H. 489. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to

provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 489. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bennett (with notice and proof):

H. 302. Relating to Jefferson County; levying a fee on all hazardous waste, shipped or transported into, maintained or stored in, or created or disposed of in Jefferson County; to provide for the establishment of an inspection and monitoring authority for hazardous waste loading, unloading, storage and disposal facilities in Jefferson County; to provide for the collection of said fee; to provide for the disbursement of said fee; and to provide penalties for violations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 302, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Lewis, Howard, Boles, Bennett, Trammell and Jackson (with notice and proof):

H. 684. Relating to Jefferson County; fixing the salary of the deputy probate judge.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 684, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

By Reps. Greer and Coburn (with notice and proof):

H. 767. To provide certain service credit for supernumerary status for the tax assessor and tax collector of Lauderdale County; to provide for certain prerequisites for such credit and to provide that said county shall pay such employer costs as are necessary with respect to such employees subject to this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 767, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 302 and 684. To the Committee on Local Legislation No. 2.

H. B. 767. To the Committee on Local Legislation No. 1.

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 59. Relating to interest and usury: To amend Act No. 80-435 of the 1980 Legislature of Alabama and Section 8-8-5, Code of Alabama 1975, relating to certain loans to which usury laws do not apply, so as to provide that such laws do not apply to any person or entity, whether or not organized for profit, nor to any transaction thereunder, whether or not in default; to define terms used therein; to repeal Section 1(e) of Act No. 80-435; to repeal conflicting laws; to provide that provisions of this Act are severable; and, to provide for an effective date.

Mr. Little offered the following amendment to the Bill, S. B. 59, to-wit:

#### AMENDMENT TO S. B. 59

Amend Senate Bill No. 59 Page 3, by inserting a new section 1(f) to read as follows:

(f) the provisions of this section as they affect loans of \$25,000.00 or less shall become null and void on July 1, 1984 and shall have no force and effect, unless such provisions are continued by act of the legislature.

On motion of Mr. Vacca, said amendment was laid on the table.

Mr. Bailey offered the following amendment to the Bill, S. B. 59, to-wit:

#### AMENDMENT TO S. B. 59

Amend Senate Bill No. 59 Page 3, by inserting a new section 1(f) to read as follows:

(f) the provisions of the section as they affect loans of \$25,000.00 or less shall become null and void on Oct 1, 1986 and shall have no force and effect, unless such provisions are continued by act of the legislature.

On motion of Mr. Vacca, said amendment was laid on the table.

Yeas 19; Nays 6.

Abstaining 1.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith
Britnell	Gulledge	McDonald	Taylor
Callahan	Higginbotham	Mitchem	Teague
deGraffenried	Keener	Proctor	Vacca
Denton	Kirkland	St. John	White

—19

*Nays:*

Messrs.:	Figures	Hilliard	Little
Bailey	Hall	Holmes	

—6

*Abstaining:* Mr. Barron.

—1

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 196. Relating to legislative meeting dates from Thursday, April 2 to Tuesday, April 14, 1981.

Also:

H. J. R. 205. NAMING THE SUMITON ELEMENTARY SCHOOL IN SUMITON, WALKER COUNTY, ALABAMA, THE "ALVIS E. NARMORE SCHOOL."

Also:

H. J. R. 206. COMMENDING DR. KEITH D. BLAYNEY OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

Also:

H. J. R. 209. COMMENDING THE MEMBERS OF W. I. F. E., WOMEN INVOLVED IN FARM ECONOMICS.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 59

The Senate proceeded to further consideration of the Bill, S. B. 59.

MOTION TO ADJOURN LOST

At 1:50 P. M., Mr. Keener moved that the Senate adjourn until Tuesday, April 7, 1981, at 2:30 P. M., which motion was lost.

Yeas 9; Nays 20.

*Yeas:*

Messrs.:	Figures	Holmes	Parsons	
Bailey	Hall	Keener	Robertson	
Britnell	Hilliard			—9

*Nays:*

Messrs.:	Harrison	Miller	Smith	
Barron	Kirkland	Mitchem	Taylor	
deGraffenried	Little	Pearson	Teague	
Denton	Martin	Proctor	Vacca	
Goodwin	McDonald	St. John	White	
Gulledge				—20

MOTION TO ADJOURN

Mr. White moved that when the Senate adjourns today, that it adjourn to meet on Tuesday, April 7, 1981, at 2 o'clock P. M., which motion was adopted.

FURTHER CONSIDERATION OF S. B. 59

The Senate proceeded to further consideration of the Bill, S. B. 59.

RESOLUTION

Mr. Barron offered the following Senate Resolution, to-wit:

S. R. 123. HONORING MR. CURTIS A. HENLEY UPON HIS RETIREMENT AS SYSTEMS TECHNICIAN WITH SOUTH CENTRAL BELL.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Grouby, McKee, Turner, Edwards, Gafford, Parker, Carothers, Williams, Warren, Venable, Willis, Blake, Naramore, Moore, Carter, Harper (T), Ray, Shavers, Goodwin, Harper (O), Laird, Grimsley, Hall, Rains, Smith (J), Johnson (R. G.), Stewart, Gregg and Cosby:



H. 331. To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain preschool programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed, and provide further for the operation of said child care facilities.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 331. To the Committee on Health and Welfare.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Grimsley and Daniels (with notice and proof):

H. 765. Relating to the City of Dothan Pension and Retirement System; further amending Sections 5 and 10 of Act No. 103, H. 363 of the 1953 Regular Session (Acts 1953, Vol. I, p. 145), as amended, so as to provide further for creditable service and the perpetuity of the system and relief of members already retired and future retirees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 765, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. McCorquodale (with notice and proof):

H. 778. Relating to Clarke County; to provide for an expense allowance for the sheriff of the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 778, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turner:

H. 782. To provide for a certain road construction and improvement program in Washington County by imposing a certain additional fee on the cost of motor vehicle licenses issued in said county; to prescribe a certain schedule for such program with priorities to be determined by the county commission; to give said commission broad discretion as to plans for financing such program; to provide that such additional fee shall cease to be collected upon completion of such program and to provide that this Act shall become effective upon referendum approval by the electors of the county of such program.

Also:

By Rep. Turner:

H. 783. To propose an amendment to the Constitution of Alabama of 1901 relating to road bonds for Washington County.

Also:

By Rep. Dial:

H. 804. To amend Act 81-139, relating to finance charges or taxes assessed against lands which are used for timber growing purposes and are located within Cleburne County, so as to rescind the provision for land sale under conditions that apply to satisfaction of ad valorem tax liens, and so as to provide that the Cleburne County Tax Collector will be responsible for making administrative rules and regulations, collecting funds, paying such funds to the Cleburne County Treasurer, and amending the effective date.

JOHN W. PEMBERTON,  
Clerk,

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 765, 778, 782, 783, and 804. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 783, was read a first time at length as required by the Constitution.)

#### FURTHER CONSIDERATION OF S. B. 59

The Senate proceeded to further consideration of the Bill, S. B. 59.

On motion of Mr. Callahan, further consideration of the Bill, S. B. 59, was postponed temporarily.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 495. To make it unlawful to fish in the Gulf of Mexico with any kind of net, except a hand thrown cast net, within one mile of the beaches or shore line of the State of Alabama that borders on the Gulf of Mexico; prescribing penalties.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following amendment to the Bill, S. B. 495, to-wit:

#### COMMITTEE AMENDMENT

Amend Senate Bill No. 495, page 1, line 25, by deleting the comma after the word "net" and adding the following: "or a hand dip net,"

Which was adopted.

Yeas 18; Nays 2.

*Yeas:*

Messrs.:	Figures	Holmes	Miller	
Bailey	Goodwin	Keener	Vacca	
Barron	Gulledge	Little	Weeks	
Britnell	Hall	Martin	White	
Callahan	Higginbotham	McDonald		—18

*Nays:* Messrs.: deGraffenried and Robertson. —2

And said Bill, S. B. 495, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Higginbotham	Mitchem	
Bailey	Denton	Holmes	Robertson	
Barron	Goodwin	Keener	Smith	
Britnell	Gulledge	Little	Vacca	
Callahan	Hall	Martin	White	—19

*Nays:* —0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 120. WISHING A SPEEDY RECOVERY FOR SENATOR DOUG COOK.

JOHN W. PEMBERTON,  
Clerk.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 471. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Figures	Holmes	Robertson	
Barron	Goodwin	Keener	Smith	
Britnell	Gulledge	Little	Vacca	
deGraffenried	Hall	Martin	White	
Denton	Higginbotham	Parsons		—18

*Nays:* —0

On motion of Mr. White, further consideration of the Bill, S. B. 302, and pending substitute, was indefinitely postponed.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 93. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. PATRICK H. PETTWAY OF GREENE COUNTY, ALABAMA.

Also:

S. J. R. 94. DESIGNATING PROFESSIONAL SECRETARIES WEEK AND PROFESSIONAL SECRETARIES DAY IN ALABAMA.

Also:

S. J. R. 95. DESIGNATING PROFESSIONAL SECRETARIES WEEK AND PROFESSIONAL SECRETARIES DAY IN TUSCALOOSA COUNTY, ALABAMA.

Also:

S. J. R. 103. HONORING MRS. EDRIS SPEER UPON HER RETIREMENT FROM THE HEALTH CARE INDUSTRY OF ALABAMA.

Also:

S. J. R. 104. COMMENDING MR. YANCEY PARKER, PROMINENT ENTERPRISE BUSINESS AND CIVIC LEADER.

Also:

S. J. R. 105. COMMENDING MR. WARREN H. BROWN, DISTINGUISHED UNITED STATES ARMY VETERAN AND LONGTIME SUPPORTER OF THE AMERICAN LEGION.

Also:

S. J. R. 106. HONORING MR. GEORGE JOHNSON UPON HIS RETIREMENT AS ADMINISTRATOR OF CROSS TRAILS REGIONAL LIBRARY.

Also:

S. J. R. 107. COMMENDING MRS. JANE BENTON DAVIS UPON HER RETIREMENT.

ALBERT McDONALD,  
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 70. To abolish the State Licensing Board for the Healing Arts; to transfer all of the powers of the State Licensing Board for the Healing Arts with regard to chiropractors to the State Board of Chiropractic Examiners; and to provide for the transfer of property and assets to the State Board of Medical Examiners for the use of the Medical Licensure Commission.

was taken up.

Mr. White was granted permission to take up the Bill:

H. 213. To abolish the State Licensing Board for the Healing Arts; to transfer all of the powers of the State Licensing Board for the Healing Arts with regard to chiropractors to the State Board of Chiropractic Examiners; and to provide for the transfer of property and assets to the State Board of Medical Examiners for the use of the Medical Licensure Commission.

in place of the Bill, S. B. 70.

And said Bill, H. B. 213, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	St. John	
Bailey	Gulledge	Little	Smith	
Barron	Hall	Martin	Teague	
Britnell	Higginbotham	Parsons	Vacca	
deGraffenried	Holmes	Robertson	White	
Denton				—20

*Nays:* —0

On motion of Mr. White, further consideration of the Bill, S. B. 70, was indefinitely postponed.

The Bill:

S. 71. To create a commission to be known as the Medical Licensure Commission appointed by the Governor, Lieutenant Governor, and Speaker of the House; to set the terms of office of the members of the Commission and stagger those terms; to give the Commission exclusive power and authority to issue, revoke and reinstate all licenses to practice medicine or osteopathy; to give the Commission authority to promulgate reasonable rules and regulations; to require the Commission to receive and consider but not be bound by the recommendation of the State Board of Medical Examiners prior to exercising its authority under this Act; to provide that all personnel and facilities necessary for administration of this Act be furnished by the State Board of Medical Examiners, and to provide that all money, funds, fees, charges, and other receipts provided for in this Act be paid to the State Board of Medical

Examiners to carry out the provisions of this Act; to authorize the State Board of Medical Examiners to employ the individuals necessary for assisting the Commission; to give the Commission and the Board power to call upon prosecuting attorneys for assistance without charge; to give an applicant whose application for a certificate of qualification is denied by the Board a right of appeal to the Commission; to provide for appropriate fees to be charged for administration of this Act; to provide that the State Board of Medical Examiners shall have the duty to promote continuing medical education of all licensed physicians and osteopaths and empower the Board to provide funds to any nonprofit corporation for the purpose of conducting continuing medical education programs without being bound by competitive bidding laws; to establish the necessary administrative provisions for administration of this Act; to authorize the State Board of Medical Examiners to collect all fees provided for in this Act and require the Board of Medical Examiners to furnish all employees and facilities utilized by the Commission; to provide that the State Board of Medical Examiners shall continue to collect fees for examination, certificates of qualification, and such other fees as are authorized by law or this Act; to give the Commission authority to seek an injunction against any person engaged in the unlawful practice of medicine or osteopathy; to require that licenses to practice medicine or osteopathy be recorded in the office of judge of probate in the county in which the licensee resides; to provide that any person who practices medicine or osteopathy without having complied with the provisions of this Act and any person who violates any of the provisions of this Act be fined not less than \$500.00 (five hundred dollars) and not more than \$1,000.00 (one thousand dollars), and, in addition, at the discretion of the trial judge may be imprisoned in the county jail for not more than 12 (twelve) months; to provide that each day a person practices medicine or osteopathy without meeting all of the requirements of all laws now in force and of this Act shall constitute a separate offense; to provide that any person filing or attempting to file as his own a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree; to give the Medical Licensure Commission the power and duty to suspend for a specified time to be determined in the discretion of the Commission or revoke a license whenever the licensee is found guilty on the basis of substantial evidence of any of the specified grounds in the Act; to establish acts or offenses which constitute grounds for the Medical Licensure Commission to suspend or revoke licenses to practice medicine or osteopathy; to provide that every physician who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing or by making and filing an annual registration to practice medicine or osteopathy shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations at the direction of the Board or Commission and provide that the physician shall be deemed to have given his consent to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications; to establish procedures by which the State Board of Medical Examiners shall investigate complaints against physicians or osteopaths and make recommendations to the Medical Licensure Commission; to establish procedures by which hearings for suspension or revocation of a license shall be conducted by the Commission; to give the authority to the Commission to temporarily suspend the license of a physician or osteopath without a hearing where the physician's or osteopath's continuation in practice may constitute an immediate danger to his patients or to the public; to provide procedures whereby a physician or osteopath may surrender his certificate of

qualification or request in writing that a restriction be placed on his certificate of qualification; to specify the actions that may be taken by the Commission if a physician or osteopath is found guilty of any of the acts, offenses or conditions specified in this Act; to grant subpoena power to the Commission and to the Board; to authorize depositions to be taken on a commission issued by the executive officer of the Commission or by the executive director of the Board; to provide that any order of the Medical Licensure Commission suspending or revoking a license to practice medicine or osteopathy shall have immediate effect and shall not be stayed or held in abeyance by any court; to provide that if a court of competent jurisdiction determines that the Commission acted arbitrarily or capriciously or that the Commission grossly abused its discretion, that the order of the Commission shall be vacated upon issuance of a peremptory writ of mandamus; to provide that the reviewing court shall not itself hear or accept any further evidence with respect to issues of fact determined by the Commission; to provide for the repeal of conflicting laws; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

was taken up.

Mr. White was granted permission to take up the Bill:

H. 214. To create a commission to be known as the Medical Licensure Commission appointed by the Governor, Lieutenant Governor, and Speaker of the House; to set the terms of office of the members of the Commission and stagger those terms; to give the Commission exclusive power and authority to issue, revoke and reinstate all licenses to practice medicine or osteopathy; to give the Commission authority to promulgate reasonable rules and regulations; to require the Commission to receive and consider but not be bound by the recommendation of the State Board of Medical Examiners prior to exercising its authority under this Act; to provide that all personnel and facilities necessary for administration of this Act be furnished by the State Board of Medical Examiners, and to provide that all money, funds, fees, charges, and other receipts provided for in this Act be paid to the State Board of Medical Examiners to carry out the provisions of this Act; to authorize the State Board of Medical Examiners to employ the individuals necessary for assisting the Commission; to give the Commission and the Board power to call upon prosecuting attorneys for assistance without charge; to give an applicant whose application for a certificate of qualification is denied by the Board a right of appeal to the Commission; to provide for appropriate fees to be charged for administration of this Act; to provide that the State Board of Medical Examiners shall have the duty to promote continuing medical education of all licensed physicians and osteopaths and empower the Board to provide funds to any nonprofit corporation for the purpose of conducting continuing medical education programs without being bound by competitive bidding laws; to establish the necessary administrative provisions for administration of this Act; to authorize the State Board of Medical Examiners to collect all fees provided for in this Act and require the Board of Medical Examiners to furnish all employees and facilities utilized by the Commission; to provide that the State Board of Medical Examiners shall continue to collect fees for examination, certificates of qualification, and such other fees as are authorized by law or this Act; to give the Commission authority to seek an injunction against any person engaged in the unlawful practice of medicine or osteopathy; to require that licenses to practice medicine or osteopathy be recorded in the office of judge of probate in the county in which the licensee resides; to provide that any person who practices medicine or osteopathy without having complied with the provisions of this Act and any

person who violates any of the provisions of this Act be fined not less than \$500.00 (five hundred dollars) and not more than \$1,000.00 (one thousand dollars), and, in addition, at the discretion of the trial judge may be imprisoned in the county jail for not more than 12 (twelve) months; to provide that each day a person practices medicine or osteopathy without meeting all of the requirements of all laws now in force and of this Act shall constitute a separate offense; to provide that any person filing or attempting to file as his own a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree; to give the Medical Licensure Commission the power and duty to suspend for a specified time to be determined in the discretion of the Commission or revoke a license whenever the licensee is found guilty on the basis of substantial evidence of any of the specified grounds in the Act; to establish acts or offenses which constitute grounds for the Medical Licensure Commission to suspend or revoke licenses to practice medicine or osteopathy; to provide that every physician who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing or by making and filing an annual registration to practice medicine or osteopathy shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations at the direction of the Board or Commission and provide that the physician shall be deemed to have given his consent to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications; to establish procedures by which the State Board of Medical Examiners shall investigate complaints against physicians or osteopaths and make recommendations to the Medical Licensure Commission; to establish procedures by which hearings for suspension or revocation of a license shall be conducted by the Commission; to give the authority to the Commission to temporarily suspend the license of a physician or osteopath without a hearing where the physician's or osteopath's continuation in practice may constitute an immediate danger to his patients or to the public; to provide procedures whereby a physician or osteopath may surrender his certificate of qualification or request in writing that a restriction be placed on his certificate of qualification; to specify the actions that may be taken by the Commission if a physician or osteopath is found guilty of any of the acts, offenses or conditions specified in this Act; to grant subpoena power to the Commission and to the Board; to authorize depositions to be taken on a commission issued by the executive officer of the Commission or by the executive director of the Board; to provide that any order of the Medical Licensure Commission suspending or revoking a license to practice medicine or osteopathy shall have immediate effect and shall not be stayed or held in abeyance by any court; to provide that if a court of competent jurisdiction determines that the Commission acted arbitrarily or capriciously or that the Commission grossly abused its discretion, that the order of the Commission shall be vacated upon issuance of a peremptory writ of mandamus; to provide that the reviewing court shall not itself hear or accept any further evidence with respect to issues of fact determined by the Commission; to provide for the repeal of conflicting laws; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

in place of the Bill, S. B. 71.

And said Bill, H. B. 214, was read a third time at length and passed.



Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Robertson	
Bailey	Hall	Martin	Smith	
Barron	Higginbotham	Miller	Teague	
deGraffenried	Holmes	Mitchem	Vacca	
Denton	Keener	Parsons	White	
Goodwin	Kirkland	Proctor		—22
<i>Nays:</i>				—0

On motion of Mr. White, further consideration of the Bill, S. B. 71, was indefinitely postponed.

#### FURTHER CONSIDERATION OF S. B. 59

The Senate proceeded to further consideration of the Bill, S. B. 59.

Mr. Little offered the following amendment to the Bill, S. B. 59, to-wit:

#### AMENDMENT TO S. B. 59

Amend Senate Bill No. 59 Page 3, by inserting a new section 1(f) to read as follows:

(f) "The provisions of this section as they affect loans of \$25,000.00 or less shall become null and void on July 1, 1986 and shall have no force and effect, unless such provisions are continued by act of the legislature."

Which was adopted.

Yeas 16; Nays 2.

*Yeas:*

Messrs.:	Hall	Little	Proctor
Bailey	Hilliard	Martin	Teague
Denton	Holmes	Mitchem	Vacca
Figures	Keener	Parsons	White
Goodwin			

—16

*Nays:* Messrs.: Gulledge and McDonald.

—2

Mr. Figures offered the following amendment to the Bill, S. B. 59, as amended, to-wit:

#### AMENDMENT TO S. B. 59, AS AMENDED

Amend Senate Bill No. 59 Page 2 Line 10, by striking out the period after the word \$5,000 and replace it with a semi-colon (;) and the following language:

provides, further, not in no event will interest rates charged hereunder exceed the prime interest rate on the market in the State of Alabama at the time of revoking of any loan covered by this act.

On motion of Mr. Keener, further consideration of the Bill, S. B. 59, as amended, and pending amendment, was postponed temporarily.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 35. To repeal section 12-18-62 of the Code of Alabama 1975 which disallows the practice of law by retired district judges.

Also:

H. 502. To authorize certain minors to consent to the donation of bone marrow for purposes of bone marrow transplantation and authorize a parent or legal guardian of all other minors to consent to such bone marrow transplantation.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 140. Relating to Sumter County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Also:

H. 663. Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 669. Relating to Colbert County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Also:

H. 670. To repeal Act No. 2454, H. 2806, 1971 Regular Session (Acts 1971, p. 3921), entitled, "An Act Relating to counties having populations of not less than 49,000 nor more than 51,000, according to the most recent federal decennial census; fixing the fee for issuance of pistol permits by the sheriff and providing for distribution and use of such fees.

Also:

H. 730. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County,

Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violations.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### ADJOURNMENT

At 2:40 P. M., on motion of Mr. Keener, in accordance with motion heretofore adopted, the Senate adjourned until Tuesday, April 7, 1981, at 2 o'clock P. M.

## SEVENTEENTH LEGISLATIVE DAY

TUESDAY, APRIL 7, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Coy Barker, Pastor, First Assembly of God, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Sixteenth Legislative Day was approved by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 471. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 213. To abolish the State Licensing Board for the Healing Arts; to transfer all of the powers of the State Licensing Board for the Healing Arts with regard to chiropractors to the State Board of Chiropractic Examiners; and to provide for the transfer of property and assets to the State Board of Medical Examiners for the use of the Medical Licensure Commission.

Also:

H. 214. To create a commission to be known as the Medical Licensure Commission appointed by the Governor, Lieutenant Governor, and Speaker of the House; to set the terms of office of the members of the Commission and stagger those terms; to give the Commission exclusive power and authority to issue, revoke and reinstate all licenses to practice medicine or osteopathy; to give the Commission authority to promulgate reasonable rules and regulations; to require the Commission to receive and consider but not be bound by the recommendation of the State Board of Medical Examiners prior to exercising its authority under this Act; to provide that all personnel and facilities necessary for administration of this Act be furnished by the State Board of Medical Examiners, and to provide that all money, funds, fees, charges, and other receipts provided for in this Act be paid to the State Board of Medical Examiners to carry out the provisions of this Act; to authorize the State Board of Medical Examiners to employ the individuals necessary for assisting the Commission; to give the Commission and the Board power to call upon prosecuting attorneys for assistance without charge; to give an applicant whose application for a certificate of qualification is denied by the Board a right of appeal to the Commission; to provide for appropriate fees to be charged for administration of this Act; to provide that the State Board of Medical Examiners shall have the duty to promote continuing medical education of all licensed physicians and osteopaths and empower the Board to provide funds to any nonprofit corporation for the purpose of conducting continuing medical education programs without being bound by competitive bidding laws; to establish the necessary administrative provisions for administration of this Act; to authorize the State Board of Medical Examiners to collect all fees provided for in this Act and require the Board of Medical Examiners to furnish all employees and facilities utilized by the Commission; to provide that the State Board of Medical Examiners shall continue to

collect fees for examination, certificates of qualification, and such other fees as are authorized by law or this Act; to give the Commission authority to seek an injunction against any person engaged in the unlawful practice of medicine or osteopathy; to require that licenses to practice medicine or osteopathy be recorded in the office of judge of probate in the county in which the licensee resides; to provide that any person who practices medicine or osteopathy without having complied with the provisions of this Act and any person who violates any of the provisions of this Act be fined not less than \$500.00 (five hundred dollars) and not more than \$1,000.00 (one thousand dollars), and, in addition, at the discretion of the trial judge may be imprisoned in the county jail for not more than 12 (twelve) months; to provide that each day a person practices medicine or osteopathy without meeting all of the requirements of all laws now in force and of this Act shall constitute a separate offense; to provide that any person filing or attempting to file as his own a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree; to give the Medical Licensure Commission the power and duty to suspend for a specified time to be determined in the discretion of the Commission or revoke a license whenever the licensee is found guilty on the basis of substantial evidence of any of the specified grounds in the Act; to establish acts or offenses which constitute grounds for the Medical Licensure Commission to suspend or revoke licenses to practice medicine or osteopathy; to provide that every physician who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing or by making and filing an annual registration to practice medicine or osteopathy shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations at the direction of the Board or Commission and provide that the physician shall be deemed to have given his consent to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications; to establish procedures by which the State Board of Medical Examiners shall investigate complaints against physicians or osteopaths and make recommendations to the Medical Licensure Commission; to establish procedures by which hearings for suspension or revocation of a license shall be conducted by the Commission; to give the authority to the Commission to temporarily suspend the license of a physician or osteopath without a hearing where the physician's or osteopath's continuation in practice may constitute an immediate danger to his patients or to the public; to provide procedures whereby a physician or osteopath may surrender his certificate of qualification or request in writing that a restriction be placed on his certificate of qualification; to specify the actions that may be taken by the Commission if a physician or osteopath is found guilty of any of the acts, offenses or conditions specified in this Act; to grant subpoena power to the Commission and to the Board; to authorize depositions to be taken on a commission issued by the executive officer of the Commission or by the executive director of the Board; to provide that any order of the Medical Licensure Commission suspending or revoking a license to practice medicine or osteopathy shall have immediate effect and shall not be stayed or held in abeyance by any court; to provide that if a court of competent jurisdiction determines that the Commission acted arbitrarily or capriciously or that the Commission grossly abused its discretion, that the order of the Commission shall be vacated upon issuance of a peremptory writ of mandamus; to provide that the reviewing court shall not itself hear or accept any further evidence with respect to issues of fact determined by the Commission; to provide for the repeal of conflicting

laws; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Vacca, Teague, Goodwin, Parsons, Holmes, Proctor, Callahan, St. John, Little, Keener, Cook and Martin:

S. 564. To amend Section 32-6-51, Code of Alabama 1975, which provides for the display of motor vehicle license plates, so as to require said plates on the front of the motor vehicle and provides for an effective date.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Figures (with notice and proof):

S. 565. To provide for the termination of all expense allowances heretofore provided by law for the members of the Mobile County Commission; to provide that such members shall purchase gasoline at their own expense and to specifically repeal the portions of Act No. 80-330, H. 409 of the 1980 Regular Session of the Legislature and Act No. 715, H. 1136 of the 1977 Regular Session of the Legislature which provide such allowances and all other laws in conflict herewith.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 565, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Cook:

S. 566. To amend Section 40-15-13, Code of Alabama of 1975, concerning liens for Estate Tax purposes.

Committee on Banking and Insurance.

By Mr. Cook:

S. 567. To amend Section 16-13-99, Code of Alabama of 1975, which Section relates to place and method of payment of warrants, by eliminating therefrom the schedule of maximum fees to be paid a Paying Agent for the services performed in acting as Paying Agent of a board of education and as reimbursement for expenses incurred in remitting payments of warrants

and/or coupons therefrom and substituting therefor a provision that a board of education shall pay such reasonable fees for such services, and as such reimbursement as may be negotiated and agreed upon by the board of education and its Paying Agent.

Committee on Banking and Insurance.

By Mr. Taylor (with notice and proof):

S. 568. Providing for purging the lists of registered voters in Lowndes County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars and the county governing body relative to the reidentification of registered voters.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 568, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Taylor (with notice and proof):

S. 569. Providing for purging the lists of registered voters in Wilcox County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars and the county governing body relative to the reidentification of registered voters.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 569, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hall (with notice and proof):

S. 570. Relating to Walker County; providing for the method of electing the county superintendent of education.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 570, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. McDonald (with notice and proof):

S. 571. Relating to Madison County; to amend Section 1 of Act No. 120, H. 599, Regular Session of 1973 (Acts 1973, p. 153), so as to provide further for expense allowances of certain county officers.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 571, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.



By Mr. McDonald (with notice and proof):

S. 572. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Limestone County; and to provide for the expenditure of the funds in the office of the judge of probate.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 572, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Proctor:

S. 573. To amend Section 13A-11-71, Code of Alabama 1975, so as to provide further for the punishment of persons illegally using firearms.

Committee on Judiciary.

By Mr. Gulledge:

S. 574. To allow members of the Teachers' Retirement System employed by the Agricultural Experiment Station of Auburn University to purchase up to five years' creditable service in such retirement system for employment by the Cooperative Extension Service of Auburn University.

Committee on Finance and Taxation.

By Mr. Smith:

S. 575. To exempt the Huntsville Symphony Orchestra from all state, county and local sales and use taxes.

Committee on Finance and Taxation.

#### BILL RE-REFERRED

Mr. White moved that the Bill, S. B. 420, be removed from the Standing Committee on Health and Welfare and re-referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 420, re-referred to the Standing Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 102. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-20, 34-34-23 of the Code of Alabama 1975, so as to: limit board members to two terms; and to provide further for the compensation of board members.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE

H. B. 102

We, the Committee on Conference appointed to reconcile the differences between the two Houses concerning House Bill 102, have met, considered the matter, and agreed to the following report.

We recommend that the Senate recede from its Substitute and Amendment (both by Senator Miller) and that the bill as passed by the House be agreed to by both Houses.

Conferees on the part of the House,  
SETH HAMMET,  
GERALD DIAL,  
GEORGE G. SEIBELS, JR.

Conferees on the part of the Senate,  
DEWEY WHITE, JR.,  
REO KIRKLAND, JR.,  
WALLACE MILLER.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Mr. White, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 102, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith
Barron	Hall	Martin	Taylor
Britnell	Higginbotham	McDonald	Teague
Callahan	Holmes	Miller	Vacca
deGraffenried	Keener	Mitchem	White
Denton	Kirkland	St. John	

—22

*Nays:*

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Daniels, Dial, Warren, Albright, Bennett, Biddle, Boles, Bowling, Brakefield, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Edwards, Escott, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Laird, Letson, McCorquodale, McMillan, Minus, Moore, Naramore, Olive, Patton, Payne, Pegues, Penry, Rains, Reed, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Williams and Willis.

H. J. R. 213. REQUESTING THE ALABAMA DEPARTMENT OF PUBLIC HEALTH TO SUSPEND ENFORCEMENT AND DELAY THE IMPLEMENTATION OF THE DEPARTMENT'S NEW REGULATIONS CONCERNING ONSITE SEWAGE DISPOSAL SYSTEMS.

WHEREAS, it has come to the attention of the Legislature that the Alabama Department of Public Health recently promulgated new regulations governing onsite sewage disposal systems; and

WHEREAS, this new regulatory document which was adopted by the State Board of Health on February 18, 1981, consists of some 47 pages of detailed regulations and requirements primarily concerning septic tank installations; and

WHEREAS, not only will these new regulations add some \$300 cost to the installation of a septic tank, but it is questionable that many of the prescribements are at all necessary to ensure the health and well-being of Alabamians; and

WHEREAS, the members of this body in responsibility to the citizens of Alabama consider it advisable to have time to fully study and assess this lengthy new document of regulations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby strongly urge the Alabama Department of Public Health to immediately suspend enforcement of the February 18, 1981 regulations governing onsite sewage disposal systems and delay implementation until June 1, 1982.

BE IT FURTHER RESOLVED, That the Department of Public Health be notified, by copy of this resolution, of this request of the Legislature that the Department may immediately cease enforcement of said regulations.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 213, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MOTION IN WRITING

Mr. Pearson offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 115, on page 126 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 115, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORTS OF COMMITTEES

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 544. To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by majority of members attending a meeting called to consider conversion.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Cosby, Edwards and Pegues (with notice and proof):

H. 660. Relating to Dallas County; amending Act No. 136, H. 119, 1967 Regular Session (Acts 1967, p. 187), which provides for the issuance of a pistol permit, so as to increase the fee for said permit.

By Reps. Cosby, Edwards and Pegues (with notice and proof):

H. 661. Relating to Dallas County; to provide for a continuous system of compensation for election officers.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Shavers and Hall (with notice and proof): (With Amendment):

H. 753. Relating to Jackson County, to raise the compensation of the jury commission and the compensation of the clerk of the commission.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Greer and Coburn (with notice and proof):

H. 767. To provide certain service credit for supernumerary status for the tax assessor and tax collector of Lauderdale County; to provide for certain prerequisites for such credit and to provide that said county shall pay such employer costs as are necessary with respect to such employees subject to this act.

By Rep. Dial:

H. 804. To amend Act 81-139, relating to finance charges or taxes assessed against lands which are used for timber growing purposes and are located within Cleburne County, so as to rescind the provision for land sale

under conditions that apply to satisfaction of ad valorem tax liens, and so as to provide that the Cleburne County Tax Collector will be responsible for making administrative rules and regulations, collecting funds, paying such funds to the Cleburne County Treasurer, and amending the effective date.

By Mr. Keener (with notice and proof):

S. 17. Relating to Etowah County; to amend Section 1 of Act No. 302, H. 1043, Regular Session 1977 (Acts 1977, p. 403), relating to branch banks, so as to provide further for such banks.

By Reps. Riddick, Hall, Smith (M), Gregg, Smith (J) and Albright (with notice and proof):

H. 685. Relating to Madison County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Johnson (R. G.), Shoemaker and Carothers:

H. 216. Relating to the manufacture of prescription drugs requiring the identification of drug products; providing for an exemption in the case of hardship; providing for the disclosure of descriptive information; providing for the adoption of rules; providing for an exemption for drug products compounded by a pharmacist in a pharmacy; providing an effective date.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Britnell (With Substitute):

S. 444. To provide for mechanical sewage treatment plants for use to treat wastewater from individual homes.

By Rep. Grouby, et al. (With Substitute):

H. 331. To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain preschool programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed, and provide further for the operation of said child care facilities.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Roberts and Patton:

H. 357. To authorize and make provision for the incorporation through the joint action of any county and any single municipality located in such county of one or more public corporations for the purpose of acquiring, maintaining and operating public hospitals and appurtenant facilities in such county; to provide for the election and compensation of directors of any such corporations; to provide for the powers, authorities and duties of any corporation and its board of directors; to provide for the issuance by any such corporation for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of any taxes allocated or appropriated to it or revenues from any of its hospital facilities, or any combination of any thereof; to provide that such securities shall be secured by a pledge of the revenues from which they are payable and may be secured by non-foreclosable mortgages and deeds of trust and trust indentures and other agreements respecting the application of its funds and other matters; to provide for the use of the proceeds of any such securities issued by any such corporation; to provide for the refunding by any such corporation of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such corporation pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such corporation eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of any such corporation, and all securities issued by any such corporation and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such corporation is a party, from all taxation in the state; to exempt every such corporation from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such corporation from payment of certain charges to Judges of Probate; to exempt every such corporation from all laws of the State governing usury or prescribing or limiting interest rates; to grant to every such corporation the power of eminent domain; to make applicable to every such corporation certain provisions of Title 22 of the Code of Alabama of 1975 pertaining to the designation of county health agencies and the application of certain county taxes; to make applicable to every such corporation certain provisions of Title 11 of the Code of Alabama of 1975 pertaining to tort claims and judgments against local governmental entities; to authorize any county authorizing the creation of such a corporation and any municipal or public corporation or agency in such county to donate hospital facilities and other property to such corporation; to provide for the disposition of the earnings, if any, of any such corporation; and to provide for the dissolution of any such corporation and the disposition of its property.

By Mr. White:

S. 559. To amend Section 20-2-2(4) of the Code of Alabama, 1975, as amended to substitute the Medical Licensure Commission for the State Board of Medical Examiners as a certifying board for the purpose of administering the Alabama Uniform Controlled Substances Act as it relates to physicians and osteopaths; and to amend Section 20-2-56 of the Code of Alabama, 1975, as amended, to give the rule making power presently held by the State Board of Medical Examiners to the Medical Licensure Commission.

By Mr. White:

S. 543. To provide that in the event the National Health Planning and Resources Development Act of 1974 (P. L. 93-641) is repealed, or is not reauthorized by Congress, the following sections of the Code of Alabama,

1975, as amended, shall be repealed effective upon the last day of the Regular Session of the Alabama Legislature next following the repeal of P. L. 93-641: §22-21-260, §22-21-261, §22-21-263, §22-21-264, §22-21-265, §22-21-266, §22-21-267, §22-21-268, §22-21-269, §22-21-270, §22-21-271, §22-21-272, §22-21-274, §22-21-275, §22-21-276, §22-21-277, §22-4-1, §22-4-2, §22-4-3, §22-4-4, §22-4-5, §22-4-6, §22-4-7, §22-4-8, §22-4-9, §22-4-10, §22-4-11, §22-4-12, §22-4-13, and §22-4-17.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald:

S. 549. To authorize and provide for the promotion of the production, marketing, use and sale of cotton and cotton products by research, education, advertising and other methods; to prescribe a method whereby cotton producers may act jointly with handlers, buyers, processors, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may be referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the cotton producers of Alabama; to provide for the administration thereof by a commission, council, board or other agency or a nonprofit association which is fairly and substantially representative of the producers of cotton throughout the state; to provide for collection and distribution of assessments by dealers, handlers and buyers of cotton; to require an annual permit of such dealers, processors and other buyers; and to prescribe other administrative, enforcement, promotional and penalty provisions.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Bailey:

S. 233. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

By Mr. Taylor:

S. 259. To amend Section 22-18-2 of the Code of Alabama 1975 so as to exempt businesses or companies that provide free ambulance service to their employees from certain requirements in the operation of ambulances.

By Mr. Little:

S. 185. To amend Section 26-14-1, Code of Alabama 1975, relating to the reporting of abuse or neglect of children, so as to explicitly add the terms "sexual exploitation" or "attempted sexual exploitation" to the definition of child abuse and to explicitly define the terms "sexual abuse" and "sexual exploitation."

#### MOTIONS IN WRITING

Mr. Weeks offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 426, on page 127 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 426, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 217, on page 108 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 217, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Proctor then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 93, on page 128 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 93, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### RESOLUTIONS

Mr. Martin offered the following Senate Joint Resolution, to-wit:

S. J. R. 124. COMMENDING MISS PAMELA LEAH LOVE, ALABAMA'S 1981 MAID OF COTTON.

WHEREAS, in pleased concurrence, the Alabama Legislature notes the selection on March 28, 1981, of Miss Pamela Leah Love as our 1981 Alabama Maid of Cotton; and

WHEREAS, a lovely young lady indeed, Pamela is the daughter of Mr. and Mrs. William Stanley Love of Decatur, and is a 19-year-old freshman at Auburn University and a member of Phi Mu Sorority; and

WHEREAS, prior to enrolling at Auburn, Miss Love attended Decatur High School where she was a 4-year varsity cheerleader and was involved in numerous other school-related and extracurricular activities; and

WHEREAS, Pamela, who is a former Miss Tennessee Valley Exposition, also is an extremely talented vocalist and, during her high school years, participated in musical theatrical productions of the Decatur Civic Chorus; and



WHEREAS, as Alabama's 1981 Maid of Cotton, the beautiful and charming Miss Love will be travelling across our state and nation to promote Alabama's Cotton Industry and will represent the State of Alabama in the National Maid of Cotton Pageant to be held in December in Memphis, Tennessee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in utmost commendation, we offer our congratulations and best wishes to Miss Pamela Leah Love of Decatur, Alabama, and wish her every success as Alabama's Ambassador to the National Maid of Cotton Pageant in December.

BE IT FURTHER RESOLVED, That both Miss Love and her parents receive copies of this resolution that they may know of our great pride and pleasure in Pamela's selection as Alabama Maid of Cotton.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Higginbotham offered the following Senate Joint Resolution, to-wit:

S. J. R. 125. EXPRESSING CONCERN FOR THE CITIZENS OF HURTSBORO, ALABAMA.

WHEREAS, in the early pre-dawn hours of April 1, 1981, the Town of Hurtsboro in Russell County, Alabama was the target of a tornado's unleashed fury which caused severe damage or totally destroyed some two-thirds of the business and residential areas in this small community in East Central Alabama; and

WHEREAS, of greater and more grievous sorrow, however, were the deaths of at least two persons and 23 or more who were injured during the storm; and

WHEREAS, during this time of misfortune and disaster for the citizens of Hurtsboro, our hearts go out to those who grieve the loss of or injury to family and friends, and to the scores who were left homeless by the storm; and

WHEREAS, even as we express our sincere care and concern, we also stand in tribute of the courage and determination displayed by the people of Hurtsboro who are united in their resolve to restore order, care for their own and to rebuild their homes; and

WHEREAS, in the wake of devastation caused by the killer tornado, Governor Fob James has declared Hurtsboro a disaster area, and has asked that the federal government follow suit in order that the citizens of Hurtsboro might be eligible for aid in restoring their lives and their homes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our deepest sympathy to the town and the citizens of Hurtsboro, Alabama, and urge that our federal government join with Governor James in extending aid to the people of this stricken area.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mayor John C. Williams of Hurtsboro, Alabama, in expression of our regret, and in pledge of our support in every possible way.

RESOLVED FURTHER, That copies of this resolution also be sent to each member of the Alabama Congressional Delegation in Washington, D. C.

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. White and Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 126. SUPPORTING A NATIONAL STRATEGY OF PEACE THROUGH STRENGTH FOR THE UNITED STATES.

WHEREAS, the Soviet Union has exploited U. S. peace initiatives to build up its strategic and conventional warfare capabilities; and

WHEREAS, this has given the Soviet Union the means to support increasingly bolder worldwide aggression; and

WHEREAS, there is basis for concern that the Soviets may next use these forces in Pakistan, Iran, and Yugoslavia; and

WHEREAS, the Soviet Union has demonstrated an unwillingness to live by international law; and

WHEREAS, the United States is the one world power that can stop Soviet expansionism; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we support adoption by the United States of a National Strategy of Peace Through Strength, the general principles of which would be:

(1) To inspire, focus and unite the national will and determination to achieve this goal of peace and freedom;

(2) To achieve overall military and technological superiority over the Soviet Union;

(3) To create a strategic defense and a civil defense which would protect U. S. citizens against nuclear war at least as well as the Soviets defend their citizens;

(4) To accept no arms control agreement which in any way jeopardizes the security of the United States or its allies, or locks the U. S. into a position of military inferiority;

(5) To reestablish effective security and intelligence capabilities;

(6) To pursue positive non-military means to roll back the growth of Communism;

(7) To help our allies and other non-Communist countries defend themselves against Communist aggressions; and

(8) To maintain a strong economy and protect our overseas sources of energy and other vital raw materials.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to John M. Fisher, Administrative Chairman, Coalition for Peace Through Strength, Boston, Virginia 22713.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

#### MOTION IN WRITING

Mr. Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 356, on page 105 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 356, referred to the Standing Committee on Rules for placement on the consent Calendar.

## BILLS ON THIRD READING

The Bill:

H. 549. To provide for the rate of interest on overdue or overpaid taxes administered by the state department of revenue; and to provide that the percentage of such tax in excess of the present rate of interest assessed by the said department shall be deposited in the general fund of the state treasury.

was read a third time at length and passed.

Yeas 22; Nays 2.

*Yeas:*

Messrs.:	Gulledge	Little	Taylor	
Bailey	Hall	Martin	Teague	
Barron	Harrison	Parsons	Vacca	
Britnell	Holmes	Robertson	Weeks	
Denton	Keener	St. John	White	
Figures	Lemaster	Smith		—22

*Nays:* Messrs. Miller and Mitchem.

—2

## MOTION IN WRITING

Mr. Teague offered the following Motion in Writing, to-wit:

"2:45 P. M. 4/7/81

"Having voted on the prevailing side I am moving to reconsider the vote by which the Little amendment to S. B. 59 was adopted as per Rule 29.

"JOHN A. TEAGUE"

Which was read and ordered spread upon the Journal.

## LOCAL BILLS ON THIRD READING

The Bill:

S. 547. Relating to Randolph County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Hilliard	Proctor	Weeks	
Cook	Holmes	St. John	White	
Denton	Keener			—25

*Nays:*

—0

The Bill:

S. 504. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Banks, in Pike County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	St. John
Barron	Hall	Miller	Smith
Britnell	Hilliard	Mitchem	Taylor
Callahan	Holmes	Parsons	Teague
Cook	Keener	Pearson	Weeks
Denton	Kirkland		

—25

Nays: —0

The Bill:

H. 438. To authorize the Dale County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Proctor
Bailey	Gulledge	Martin	St. John
Britnell	Hall	Miller	Smith
Cook	Hilliard	Mitchem	Taylor
Denton	Holmes	Parsons	Teague
Figures	Keener	Pearson	Weeks
Glass	Kirkland		

—25

Nays: —0

The Bill:

H. 573. Relating to Etowah County; to provide that the county commission must approve any concerts or events for which a license tax is charged pursuant to Section 40-12-82 of the Code of Alabama 1975 before such license is issued.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Glass	McDonald	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Hilliard	Proctor	Weeks
Cook	Keener	St. John	White
Denton	Little		

—25

Nays: —0

The Bill:

H. 641. Relating to Henry County; providing further for the salary of the county superintendent of education and providing for an effective date. was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Proctor	
Bailey	Gulledge	McDonald	St. John	
Britnell	Hall	Miller	Smith	
Callahan	Hilliard	Mitchem	Taylor	
Cook	Holmes	Parsons	Teague	
Denton	Keener	Pearson	Weeks	
Glass	Little			—25

*Nays:* —0

The Bill:

H. 642. Relating to Henry County; providing further for the expense allowance of the members of the county board of education.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Proctor	
Bailey	Gulledge	McDonald	St. John	
Britnell	Hall	Miller	Smith	
Cook	Hilliard	Mitchem	Taylor	
Denton	Holmes	Parsons	Teague	
Figures	Keener	Pearson	Weeks	
Glass	Little			—25

*Nays:* —0

The Bill:

H. 643. Relating to Henry County; providing for an expense allowance for the county superintendent of education; repealing Act No. 1169, H. 1854, Regular Session 1971 (Acts 1971, p. 2026); and providing for its retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Proctor	
Bailey	Goodwin	McDonald	St. John	
Britnell	Gulledge	Miller	Smith	
Callahan	Hall	Mitchem	Taylor	
Cook	Holmes	Parsons	Teague	
Denton	Keener	Pearson	Weeks	
Figures	Little			—25

*Nays:* —0

The Bill:

H. 745. Relating to Fayette County; providing for the compensation and expense allowance of the members of the county commission; and providing that a part of this act shall be retroactive to October 1, 1977.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Miller	Smith
Bailey	Hall	Mitchem	Taylor
Britnell	Hilliard	Parsons	Teague
Cook	Holmes	Pearson	Vacca
Denton	Keener	Proctor	Weeks
Figures	Little	St. John	White
Glass	Martin		

—25

*Nays:* —0

The Bill:

S. 548. Relating to Jefferson County; to provide that the executive assistant to the sheriff shall be entitled to any cost-of-living pay increases, merit raises and longevity pay in the same manner as other county employees; and to make this act retroactive to May 23, 1977.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Little		

—25

*Nays:* —0

#### MOTIONS IN WRITING

Mr. Keener offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 62, on page 51 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 62, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Keener then offered the following Motion in Writing, to wit:

I move that the Bill, H. B. 7, on page 84 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 7, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Martin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 428, on page 67 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 428, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Harrison offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 61, on page 118 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 61, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### CONSENT CALENDAR

The Bill:

S. 259. To amend Section 22-18-2 of the Code of Alabama 1975 so as to exempt businesses or companies that provide free ambulance service to their employees from certain requirements in the operation of ambulances.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Parsons	
Barron	Hall	Little	St. John	
Britnell	Higginbotham	Martin	Taylor	
Callahan	Holmes	McDonald	Vacca	
deGraffenried	Keener	Miller	Weeks	
Denton	Kirkland	Mitchem		—22

Nays:

—0

The Bill:

S. 185. To amend Section 26-14-1, Code of Alabama 1975, relating to the reporting of abuse or neglect of children, so as to explicitly add the terms "sexual exploitation" or "attempted sexual exploitation" to the definition of child abuse and to explicitly define the terms "sexual abuse" and "sexual exploitation."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION  
17th Day

705

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Parsons	
Barron	Harrison	Little	Proctor	
Britnell	Higginbotham	Martin	Vacca	
deGraffenried	Holmes	Miller	Weeks	
Denton	Kirkland	Mitchem	White	
Goodwin				—20

*Nays:* —0

The Bill:

S. 233. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

having been postponed on the Sixteenth Legislative Day,

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	St. John	
Barron	Gulledge	Little	Taylor	
Britnell	Hall	Martin	Vacca	
deGraffenried	Higginbotham	McDonald	Weeks	
Denton	Holmes	Miller	White	
Glass	Keener	Proctor		—22

*Nays:* —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 127. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 17th legislative day only:

BILL NO. PAGE NO. DESCRIPTION

S. B. 317	30	Alcoholic Bev., state parks
S. B. 46	14	Bank investigators
S. B. 243	29	P.S.C., expense allow.
S. B. 524	125	Housing Authorities, commissioner, comp.



S. B. 134	50	Mtr. Veh., odometers
S. B. 115	102	Pardons & Paroles Bd., suppl. approp.
S. B. 299	77	Water, Gas, Electric Directors, fee incr.
S. B. 113	19	Ed., Bds. Line item transfer
S. B. 293	101	Schools, fees, alternate means of approp.
S. B. 297	40	Goodwill Industries, B'ham., exempt
S. B. 146	45	Juries, selection process, civil & criminal
S. B. 34	34	Acting Pres. of U of Ala., retirement
S. B. 206	43	Children, legitimation process, guardian
S. B. 275	63	Juvenile Proceedings, age revision
S. B. 279	12	Public warehouse, fire ins.
S. B. 164	5	Drugs, Med. Exam, investigators, enforce
S. B. 294	80	Hospitals, extra comp., prohibit
S. B. 290	17	Conservation, Comm. of, special permits limited
H. B. 223	63	Deceptive Trade and practices Act
S. B. 157	4	Day care child fac., church, exempt
S. B. 283	29	Corp., campaign contributions
S. B. 184	28	Dept. of Human services, created
S. B. 316	58	Fire Extinguishers, licenses & regu.
S. B. 406	55	Truck Tractors, taxes & fees, exempt
S. B. 250	42	AL Business Corporation Act, am'd
S. B. 200	34	Schools, report property damage & assaults
S. B. 118	38	Ad valorem taxation, delinquent pymt.
S. B. 222	16	Boats, reg. fee incr.

Mr. Barron offered the following substitute for the Resolution, S. R. 127, to-wit:

#### SUBSTITUTE FOR S. R. 127

RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 17th legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 46	14	Bank investigators
S. B. 243	29	P.S.C., expense allow.
S. B. 524	125	Housing Authorities, commissioner, comp.

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S. B. 134	50	Mtr. Veh., odometers
S. B. 115	102	Pardons & Paroles Bd., suppl. approp.
S. B. 299	77	Water, Gas, Electric Directors, fee incr.
S. B. 113	19	Ed., Bds. Line item transfer
S. B. 293	101	Schools, fees, alternate means of approp.
S. B. 297	40	Goodwill Industries, B'ham., exempt
S. B. 146	45	Juries, selection process, civil & criminal
S. B. 34	34	Acting Pres. of U of Ala., retirement
S. B. 206	43	Children, legitimation process, guardian
S. B. 275	63	Juvenile Proceedings, age revision
S. B. 279	12	Public warehouse, fire ins.
S. B. 164	5	Drugs, Med. Exam, investigators, enforce
S. B. 294	80	Hospitals, extra comp., prohibit
S. B. 290	17	Conservation, Comm. of, special permits limited
S. B. 223	63	Deceptive Trade and practices Act
S. B. 157	4	Day care child fac., church, exempt
S. B. 283	29	Corp., campaign contributions
S. B. 184	28	Dept. of Human services, created
S. B. 316	58	Fire Extinguishers, licenses & regu.
S. B. 406	55	Truck Tractors, taxes & fees, exempt
S. B. 250	42	AL Business Corporation Act, am'd
S. B. 200	34	Schools, report property damage & assaults
S. B. 118	38	Ad valorem taxation, delinquent pymt.
S. B. 222	16	Boats, reg. fee incr.
S. B. 317	30	Alcoholic Beverage

Which was lost.

Yeas 8; Nays 22.

*Yeas:*

Messrs.:  
Barron  
Britnell

Denton  
Gulledge

Hall  
Kirkland

Robertson  
Taylor

*Nays:*

Messrs.:	Goodwin	Lemaster	Parsons
Callahan	Gulledge	Little	Proctor
Cook	Higginbotham	Martin	Smith
deGraffenried	Hilliard	McDonald	Vacca
Figures	Holmes	Miller	White
Glass	Keener	Mitchem	

—22

Mr. Robertson offered the following substitute for the Resolution, S. R. 127, to-wit:

## SUBSTITUTE FOR S. R. 127

RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 17th legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 46	14	Bank investigators
S. B. 243	29	P.S.C., expense allow.
S. B. 524	125	Housing Authorities, commissioner, comp.
S. B. 134	50	Mtr. Veh., odometers
S. B. 115	102	Pardons & Paroles Bd., suppl. approp.
S. B. 317	30	Alcoholic Bev., State Parks
S. B. 299	77	Water, Gas, Electric Directors, fee incr.
S. B. 113	19	Ed., Bds. Line item transfer
S. B. 293	101	Schools, fees, alternate means of approp.
S. B. 297	40	Goodwill Industries, B'ham., exempt
S. B. 146	45	Juries, selection process, civil & criminal
S. B. 34	34	Acting Pres. of U of Ala., retirement
S. B. 206	43	Children, legitimization process, guardian
S. B. 275	63	Juvenile Proceedings, age revision
S. B. 279	12	Public warehouse, fire ins.
S. B. 164	5	Drugs, Med. Exam, investigators, enforce
S. B. 294	80	Hospitals, extra comp., prohibit
S. B. 290	17	Conservation, Comm. of, special permits limited
S. B. 223	63	Deceptive Trade and practices Act
S. B. 157	4	Day care child fac., church, exempt
S. B. 283	29	Corp., campaign contributions

REGULAR SESSION  
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S. B. 184	28	Dept. of Human services, created
S. B. 316	58	Fire Extinguishers, licenses & regu.
S. B. 406	55	Truck Tractors, taxes & fees, exempt
S. B. 250	42	AL Business Corporation Act, am'd
S. B. 200	34	Schools, report property damage & assaults
S. B. 118	38	Ad valorem taxation, delinquent pymt.
S. B. 222	16	Boats, reg. fee incr.

Which was lost.

Yeas 9; Nays 19.

*Yeas:*

Messrs.:	Denton	Robertson	Vacca	
Barron	Hall	Taylor	White	
Britnell	Kirkland			—9

*Nays:*

Messrs.:	Goodwin	Keener	Miller	
Callahan	Gulledge	Lemaster	Mitchem	
Cook	Higginbotham	Little	Parsons	
deGraffenried	Hilliard	Martin	Smith	
Figures	Holmes	McDonald	Weeks	—19

And said Resolution, S. R. 127, was then adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 317. To further regulate the sale of alcoholic beverages under the supervision of the Alabama Alcoholic Beverage Control Board in each municipality, in each county, and in all state parks; to authorize referendum elections in each municipality to determine if the sale of alcoholic beverages within the corporate limits will be allowed or if the sale of alcoholic beverages within the corporate limits will be prohibited, upon the petition of 25% of the number of registered voters casting a ballot in the last municipal election in said municipality; to provide that a period of not less than 720 days must elapse between the dates of such referendum elections; to authorize the governing authority of each municipality to establish the hours of sale for alcoholic beverages in the corporate limits and the governing authority of the county to establish the hours of sale for alcoholic beverages outside the corporate limits but within the county each and every day of the week; to provide that the governing authority of each municipality must approve each retail alcoholic beverage license application location within the corporate limits and the governing authority of the county must approve each retail alcoholic beverage license application outside the corporate limits but within the county before the Alabama Alcoholic Beverage Control Board has the authority to issue a retail alcoholic beverage license; to provide that the

Alabama Alcoholic Beverage Control Board may issue, with the approval of the Commissioner of the Department of Conservation and Natural Resources, a special retail license to any state park in Alabama or the franchisees or concessionaires of state parks; and to further provide that the Commissioner of the Department of Conservation and Natural Resources may establish the hours of sale of alcoholic beverages in state parks.

The Standing Committee on Commerce, Transportation, and Utilities reported the following amendment to the Bill, S. B. 317, to-wit:

#### COMMITTEE AMENDMENT NO. 1 TO S. B. 317

Amend S. B. 317 by amending section 3 at the beginning on page 5, line 31, by deleting the entire section and substituting in lieu thereof the following:

Each retail alcoholic beverage license must be initially submitted to the governing authority of the municipality if the applicant is located in the corporate limits or if applicant is located outside the corporate limits the governing authority of the county in which the applicant is located. The governing authority of the municipality or of the county must act upon the retail alcoholic beverage license application within sixty (60) days. If no action upon the retail alcoholic beverage application is taken within sixty (60) days after the application is filed, the license application shall be deemed approved.

If the retail alcoholic beverage license application is approved by the governing authority of the municipality or the county it shall automatically be submitted to the Alabama alcoholic beverage control board for final approval or disapproval. However, if the governing authority of the municipality or of the county disapproves the issuance of a retail alcoholic beverage license, the Alabama alcoholic beverage control board may, in its discretion, review such disapproval upon request by the applicant. The Alabama alcoholic beverage control board may override any disapproval by the governing authority of a municipality or of a county and issue the license for which the applicant applied.

On motion of Mr. Barron, said amendment was laid on the table.

Yeas 16; Nays 4.

*Yeas:*

Messrs.:	Hall	Kirkland	Parsons	
Barron	Harrison	Lemaster	Smith	
deGraffenried	Holmes	Little	Taylor	
Denton	Keener	Mitchem	White	
Gulledge				—16

*Nays:* Messrs.: Goodwin, Hilliard, Martin, Weeks. —4

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the Bill, S. B. 317, to-wit:

#### COMMITTEE AMENDMENT NO. 2 TO S. B. 317

Amend S. B. 317 by deleting Section 2, on page 5, lines 16 through 28, in its entirety and striking through the remaining section numbers and renumbering the remaining sections consecutively.

Which was adopted.

Yeas 20; Nays 1.

*Yeas:*

Messrs.:	Glass	Keener	Robertson
Barron	Goodwin	Lemaster	Smith
Britnell	Gulledge	Little	Taylor
Callahan	Hall	Mitchem	Vacca
deGraffenried	Holmes	Parsons	White
Denton			—20

*Nay:* Mr. Hilliard. —1

Mr. Barron offered the following amendment to the Bill, S. B. 317, as amended, to-wit:

AMENDMENT TO S. B. 317, AS AMENDED

Amend Senate Bill No. 317, as amended, Page 6 Line 7, by striking out Section 3 in its entirety and renumbering subsequent sections accordingly.

On motion of Mr. Goodwin, said amendment was laid on the table.

Yeas 16; Nays 12.

*Yeas:*

Messrs.:	Gulledge	Martin	Teague
Callahan	Higginbotham	McDonald	Vacca
deGraffenried	Hilliard	Parsons	Weeks
Glass	Keener	Smith	White
Goodwin			—16

*Nays:*

Messrs.:	Hall	Kirkland	Mitchem
Barron	Harrison	Lemaster	Robertson
Britnell	Holmes	Little	Taylor
Denton			—12

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 152. To amend Section 2 of Act No. 80-583, S. 453, Regular Session 1980 (Acts 1980, p. 896) in order to clarify the term of office for the additional district judgeship in Tuscaloosa County.

Also:

S. 281. Relating to Mobile County; to exempt Mobile County from the provisions of any Act of the 1981 Regular Session of the Alabama Legislature increasing the salaries of state troopers or any other employee of the Alabama Department of Public Safety.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Kennedy (with notice and proof):

H. 629. To provide for supplementing the salaries or compensation paid to certain semiretired or retired district judges in the 13th Judicial Circuit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 629, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Harper (T) (with notice and proof):

H. 677. Relating to Mobile County; providing for the registration, licensing and regulation of buyers of gold and silver.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 677, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Buskey, Stewart, Kennedy, Turner and Clark (W) (with notice and proof):

H. 679. Relating to Mobile County; to provide further for the compensation of election employees and officers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 679, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Buskey:

H. 680. To repeal Act No. 263, S. 222, Special Session 1961 (Acts 1961, p. 2280), which Act provides for compensation of election officers in counties having a population of not less than 300,000 nor more than 500,000, according to the latest federal decennial census.

Also:

By Rep. Dial (with notice and proof):

H. 819. Relating to Cleburne County; providing an additional expense allowance for the county tax assessor.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 819, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 820. To provide for a special recording fee of \$1.50, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Clay County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 820, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 829. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 829, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 830. Relating to Clay County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 830, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 831. Relating to Clay County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 831, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.



Also:

By Rep. Dial (with notice and proof):

H. 832. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 832, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

*JOHN W. PEMBERTON,*  
*Clerk.*

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 629, 677, 679, 680, 819, 820, 829, 830, 831, and 832. To the Committee on Local Legislation No. 1.

#### FURTHER CONSIDERATION OF S. B. 317

The Senate proceeded to further consideration of the Bill, S. B. 317, as amended.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Blake:

H. 801. Relating to the Thirtieth Judicial Circuit; changing the jury strike system to a one-strike system in trials by jury for misdemeanors or felonies, or upon appeals to the circuit court from lower courts; repealing conflicting laws.

Also:

By Reps. Cates and Wyatt (with notice and proof):

H. 827. Relating to Crenshaw County; to provide for an additional expense allowance for election officials of said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 827, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Cates and Wyatt (with notice and proof):

H. 828. Relating to Crenshaw County; to provide for an additional expense allowance for the members of the jury commission of said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 828, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Harper (T) (with notice and proof):

H. 561. Relating to Mobile County; to authorize the county commission to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing dirt, clay, sand, or topsoil within the county and transporting said materials out of the county; to provide that the proceeds from the tax be distributed to the county road and bridge fund; to authorize the tax collector to inspect the books of each person severing said materials; to authorize the county commission to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; to set certain bookkeeping requirements and to prescribe penalties for the violations of the provisions of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 561, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 801, 827, 828, and 561. To the Committee on Local Legislation No. 1.

#### BILL RECONSIDERED

On motion of Mr. Weeks, the Senate reconsidered the vote by which the Bill, S. B. 233, was passed.

On motion of Mr. Weeks, the Senate reconsidered the vote by which the Bill, S. B. 233, was ordered to its third reading.

#### FURTHER CONSIDERATION OF S. B. 317

The Senate proceeded to further consideration of the Bill, S. B. 317, as amended.

Mr. Robertson offered the following amendment to the Bill, S. B. 317, as amended, to-wit:

## AMENDMENT TO S. B. 317, AS AMENDED

Amend Senate Bill No. 317, as amended, Page 3 Line 9, by striking out twenty five percent after the word of and inserting fifty-one percent.

## RESOLUTIONS

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 128. MOURNING THE DEATH OF MR. GUS NICK KOSSEFIS, MONTGOMERY RESTAURATEUR.

Which was adopted.

Mr. Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 129. COMMENDING MRS. DARLENE F. PATTON, PROMINENT ONEONTA PHARMACIST AND CIVIC LEADER.

WHEREAS, in its desire to honor Alabamians of achievement, the Alabama Legislature today notes the numerous and singular accomplishments of Mrs. Darlene F. Patton of Oneonta, Blount County, Alabama; and

WHEREAS, Mrs. Patton is a graduate of Howard College in Birmingham, now Samford University, from which institution she was awarded a B.S. Degree in Pharmacy and where she was chosen "Miss Howard College"; and

WHEREAS, the present owner and pharmacist of Miller Drug Company in Oneonta, Mrs. Patton also helped establish the pharmacy in Oneonta's Doctors Hospital and worked as a nurses aide when the facility, the city's first hospital, began operation; and

WHEREAS, Mrs. Patton is the wife of Dr. Ira B. Patton, a noted local physician who is a member of the State Board of Health and Medical Examiners and a co-founder of Doctors Hospital, and they are the parents of four sons; Dr. Patton was instrumental in establishing Oneonta's first school and served as the first president of the school board; and

WHEREAS, Mrs. Patton is a past president of the Oneonta P.T.A. and of the Alabama Medical Association's Women's Auxiliary; she was the first woman foreman of a Blount County Grand Jury and, in 1980, became the first woman to serve as president of the Oneonta Chamber of Commerce and only the third woman ever to be elected as a Chamber president in the State of Alabama; and

WHEREAS, during her term as president, a new city directory was published for the first time in 21 years and not only has she continued the Chamber's numerous projects, but has worked diligently to promote and expand such programs to achieve greater success than ever, such as the city's Christmas Parade and the Chamber's annual awards banquet, featuring Governor Fob James as speaker, with more than 325 in attendance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mrs. Darlene F. Patton of Oneonta for outstanding professional and civic achievement and direct that she receive a copy of this resolution that she and her family may know of our sincere appreciation and high regard.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 709. Providing for a decrease in the 1980-81 appropriation to the teachers' retirement system; setting this amount aside in a special account in the state treasury to be held for future use by the legislature in making the appropriation for the 1981-82 fiscal year to the teachers' retirement system.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 709. To the Committee on Finance and Taxation.

FURTHER CONSIDERATION OF S. B. 317

The Senate proceeded to further consideration of the Bill, S. B. 317, as amended. The question was on the amendment offered by Mr. Robertson.

Which was lost.

Yeas 9; Nays 13.

*Yeas:*

Messrs.:	Britnell	Holmes	Little	
Bailey	Hall	Lemaster	Robertson	
Barron	Harrison			—9

*Nays:*

Messrs.:	Figures	Keener	Weeks	
Callahan	Glass	Martin	White	
Cook	Goodwin	Parsons		—13
deGraffenried	Higginbotham			
Denton				

Mr. Barron offered the following amendment to the Bill, S. B. 317, as amended, to-wit:

AMENDMENT TO S. B. 317, AS AMENDED

Amend Senate Bill No. 317, as amended, Page 6 Line 27, by inserting the following sentence at the end of Section 3:

"This Section shall apply only on "wet" counties."

ADJOURNMENT

At 5:40 P.M. on motion of Mr. White, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 317, as amended, the Senate adjourned until Wednesday, April 8, 1981, at 1 o'clock P.M.

## EIGHTEENTH LEGISLATIVE DAY

WEDNESDAY, APRIL 8, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Ron Clay, Pastor, Valley Park Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Robertson
Bailey	Goodwin	Lemaster	St. John
Barron	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Callahan	Harrison	McDonald	Teague
Cook	Higginbotham	Miller	Vacca
deGraffenried	Hilliard	Mitchem	Weeks
Denton	Holmes	Parsons	White
Figures	Keener		

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## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Seventeenth Legislative Day was approved by the Senate.

## LEAVES OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Pearson and Proctor for today.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 124. COMMENDING MISS PAMELA LEAH LOVE, ALABAMA'S 1981 MAID OF COTTON.

Also:

S. J. R. 125. EXPRESSING CONCERN FOR THE CITIZENS OF HURTSBORO, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 463. Relating to Shelby County: To authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Shelby County, Alabama.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Waggoner, Cheatwood, Payne, Cabaniss, Seibels, Gafford, Amari, Biddle, Trammell, Bennett, Jackson (Ron), Horn, Olive, Nevett, Boles, Tucker, Harrison, Escott, Howard, Lewis, and Moore.

H. J. R. 218. COMMENDING COACH GENE BARTOW, UNIVERSITY OF ALABAMA, BIRMINGHAM.

Also:

By Reps. Waggoner, Cheatwood, Payne, Cabaniss, Seibels, Gafford, Amari, Biddle, Trammell, Bennett, Jackson (Ron), Horn, Olive, Nevett, Boles, Tucker, Harrison, Escott, Howard, Lewis, and Moore:

H. J. R. 219. CONGRATULATING THE UNIVERSITY OF ALABAMA, BIRMINGHAM, BASKETBALL TEAM.

Also:

By Reps. Waggoner, Cheatwood, Payne, Cabaniss, Seibels, Gafford, Amari, Biddle, Trammell, Bennett, Jackson (Ron), Horn, Olive, Nevett, Boles, Tucker, Harrison, Escott, Howard, Lewis, and Moore:

H. J. R. 220. COMMENDING GLENN MARCUS.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolutions, H. J. R.'s 218, 219, and 220, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Cates, Adams (C), Adams (H), Amari, Bedsole, Blake, Cabaniss, Campbell, Carter, Clark (G), Coburn, Crow, Dial, Edwards, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Hammett, Harper (O), Harper (T), Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Riddick, Sandusky, Sasser, Shoemaker, Stewart, Trammell, Turnham, Venable, Ward, Whatley, Williams, and Wyatt:

H. J. R. 212. DECLARING THE LEGISLATIVE INTENT TO BE CONSERVATIVE AND CAUTIOUS IN APPROPRIATING THE ONE-TIME LUMP SUM MONEY COMING INTO THE STATE TREASURY FROM THE LEASING OF STATE-OWNED WATER BOTTOMS IN THE GULF OF MEXICO FOR OIL AND GAS PURPOSES, AND AFFIRMING THE LEGISLATIVE INTENT TO APPROPRIATE THIS MONEY ONLY FOR REQUIRED, PERMANENT, ONE-TIME, CAPITAL OUTLAY.

WHEREAS, this Legislature has learned on good authority that the State of Alabama will probably be the recipient of an amount of money in excess of \$500 million as the result of the leasing of state-owned water bottoms in the Gulf of Mexico for oil drilling and exploration purposes; and

WHEREAS, the Legislature wishes to point out that this vast sum of money is not a re-occurring income but a one-time instance being paid by the oil and gas companies for the right to drill on state-owned water bottoms; and

WHEREAS, statistics show that only about one in ten wildcat wells strike oil or gas and it is therefore likely that this income will be a one-time instance unless the state and the oil companies are extremely fortunate; and

WHEREAS, the Legislature should not become involved in spending this money for day-to-day operations in state government, but should consider wise and carefully thought-out permanent capital outlay for the use of this money; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do place all public institutions, agencies and citizens on notice that the Legislature will not be panicked or pressured into appropriating this one-time lump sum amount of money coming into the state treasury from the leasing of oil and gas rights on state-owned water bottoms for the day-to-day operations of state government, but fully intend to conduct a careful look into, and study of, the long-term needs of the state and that any appropriations of this money will be for permanent capital improvements.

BE IT FURTHER RESOLVED, That each project shall be considered on its own merit, and to that end, the Legislature states that Acts appropriating this money shall contain but one project.

BE IT FURTHER RESOLVED, That the Clerk of the House make a wide dissemination of this resolution to the news media.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 212, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Parker:

H. J. R. 217. DESIGNATES MAY 3 - 10, 1981 AS ALABAMA ALCOHOL AWARENESS WEEK.

WHEREAS, the observance of the traditional Mother's Day has been expanded on the national level to include marriage and family week and it seems appropriate that the week culminating with Mother's Day also be designated as "Alabama Alcohol Awareness Week;" and

WHEREAS, family members suffer from youthful fatalities occurring on the streets and highways of Alabama which in large measure are attributed to the consumption of alcohol, and much of child abuse has been related thereto; and

WHEREAS, the Fetal Alcohol Syndrome is known to produce mentally and physically handicapped children; and

WHEREAS, alcohol is an addictive drug and its' social use is increasing rapidly, with an estimated fifteen million alcoholic-problem drinkers in America today;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both houses thereof concurring, that marriage and family week, May 3 - 10, 1981, also be proclaimed "Alabama Alcohol Awareness Week," in recognition of the potential for family disharmony and personal injury resulting from the social use of alcohol; and

BE IT FURTHER RESOLVED, that each family be encouraged to consider the joy and benefits from a drink-free life style, and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Alabama Citizens Action Program.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 217, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:



By Rep. Willis:

H. J. R. 226. COMMENDING MR. R. C. "Dick" THATCHER, JR., PRESIDENT OF STANDARD-COOSA-THATCHER COMPANY IN PIEDMONT, ALABAMA.

Also:

By Rep. Owens:

H. J. R. 227. EXPRESSING THE LEGISLATURE'S APPRECIATION FOR THE HOSPITALITY OF THOSE IN THE GADSDEN-ETOWAH COUNTY AREA OF OUR STATE.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Callahan, the Rules were suspended and the Resolutions, H. J. R.'s 226 and 227, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Reed, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, and Zoghby:

H. J. R. 222. WELCOMING THE HONORABLE GEORGE BUSH TO THE STATE OF ALABAMA DURING HIS VISIT TO PARTICIPATE IN THE CENTENNIAL CELEBRATION OF TUSKEGEE INSTITUTE.

WHEREAS, it is with great pleasure that the Alabama Legislature notes the imminent arrival of The Honorable George Bush to the State of Alabama to attend festivities and ceremonies related to the Centennial Celebration of the founding of Tuskegee Institute; and

WHEREAS, Vice-President Bush previously has visited our state on several occasions, but we are particularly honored that he has been able to schedule this visit during a period of pressing commitments resulting from the hospitalization of our President; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend a most cordial welcome to The Honorable George Bush, Vice-President of the United States, as he visits the State of Alabama on April 12, 1981, for the purpose of participating in the Centennial Celebration of historic Tuskegee Institute.

BE IT FURTHER RESOLVED, That Vice-President Bush be presented with a copy of this resolution, both as a memento of his visit to Alabama and in expression of the gratitude of all Alabamians for his continuing dedicated service to our nation.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Weeks, the Rules were suspended and the Resolution, H. J. R. 222, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 213. REQUESTING THE ALABAMA DEPARTMENT OF PUBLIC HEALTH TO SUSPEND ENFORCEMENT AND DELAY THE IMPLEMENTATION OF THE DEPARTMENT'S NEW REGULATIONS CONCERNING ONSITE SEWAGE DISPOSAL SYSTEMS.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 225. COMMENDING MR. J. MORELAND NIXON, JR., OF LIVINGSTON, ALABAMA, FOR OUTSTANDING MUNICIPAL SERVICE.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Robertson, the Rules were suspended and the Resolution, H. J. R. 225, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 263. To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members; and providing liability insurance protection for county officials, county employees and county property.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Taylor, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 263, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE SUBSTITUTE FOR SENATE BILL 263

A BILL  
TO BE ENTITLED  
AN ACT

To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; and providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members.

Be It Enacted by the Legislature of Alabama:

Section 1.(a) Any county or group of counties, either individually or collectively, may establish a Workmen's Compensation Self-Insurance Group for the purpose of providing workmen's compensation benefits for county officials and county employees.

(b) Member counties may appropriate such funds as necessary to the Workmen's Compensation Self-Insurance Group to provide such workmen's compensation benefits.

(c) Member counties shall by the terms of this Act be qualified as self-insurers under Title 25, Chapter 5, Code of Alabama, 1975, as amended generally and Section 25-5-9, Code of Alabama, 1975, specifically and such workmen's compensation group shall be governed by the provisions of Sections 25-5-1 through 25-5-231, Code of Alabama 1975, as amended.

Section 2. (a) Any county or group of counties, either individually or collectively, may establish a Health and Accident Self-Insurance Group for the purpose of providing health care and hospitalization benefits for their officers, employees and family members dependent upon such officers or employees.

(b) Member counties may appropriate such funds as necessary to the Health and Accident Self-Insurance Group to provide such hospitalization and health care benefits. Member counties may collect from its officers and employees such amounts necessary for dependent family coverage and remit the same to the Health and Accident Self-Insurance Group.

Section 3. Each Workmen's Compensation Self-Insurance Group established under the provisions of this Act shall have the power and authority to establish a governing body of trustees; establish by-laws for the governing of such group; establish a schedule of benefits payable which are consistent with applicable state and federal laws; establish a schedule of charges to be collected from member counties for benefits provided which are consistent with applicable state and federal laws; enter into contracts with solvent insurance companies authorized to do business in this state; enter into management and consultant contracts; hire attorneys and employees; and exercise such other power and authority incident to the purposes of this Act.

Section 4. Each Health and Accident Self-Insurance Group established under provisions of this Act shall have the power and authority to establish a governing body of trustees; establish by-laws for the governing of such group; establish a schedule of benefits payable; establish a schedule of charges to be collected from member counties for benefits provided; enter into contracts with solvent insurance companies authorized to do business in this state; enter into management and consultant contracts; hire attorneys and employees; and, exercise such powers and authority incident to the purposes of this Act.

Section 5. Each Health and Accident Self-Insurance Group established under the provisions of this Act shall file with the State Insurance Commissioner, a copy of its by-laws and schedule of benefits and charges. Such group, however, shall be exempt from regulation by the Department of Insurance of the State of Alabama and all premiums or charges collected shall be exempt from insurance premium tax.

Section 6. Sections 1 and 3 of this Act are supplemental and shall insofar as possible be construed in *pari materia* with Sections 25-5-1 through 25-5-231, Code of Alabama 1975, as amended; however, all laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 7. The provisions of this Act are severable. Should any provision be declared unconstitutional, such declaration shall not affect the remaining portions thereof.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Taylor
Bailey	Harrison	McDonald	Teague
Barron	Higginbotham	Miller	Vacca
Britnell	Holmes	Robertson	Weeks
Cook	Keener	St. John	White
deGraffenried	Lemaster	Smith	

—22

Nays:

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 549. To provide for the rate of interest on overdue or overpaid taxes administered by the state department of revenue; and to provide that the percentage of such tax in excess of the present rate of interest assessed by the said department shall be deposited in the general fund of the state treasury.

Also:

H. 438. To authorize the Dale County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 573. Relating to Etowah County; to provide that the county commission must approve any concerts or events for which a license tax is charged pursuant to section 40-12-82 of the Code of Alabama 1975 before such license is issued.

Also:

H. 641. Relating to Henry County; providing further for the salary of the county superintendent of education and providing for an effective date.

Also:

H. 642. Relating to Henry County; providing further for the expense allowance of the members of the county board of education.

Also:

H. 643. Relating to Henry County; providing for an expense allowance for the county superintendent of education; repealing Act No. 1169, H. 1854, Regular Session 1971 (Acts 1971, p. 2026); and providing for its retroactive effect.

Also:

H. 745. Relating to Fayette County; providing for the compensation and expense allowance of the members of the county commission; and providing that a part of this act shall be retroactive to October 1, 1977.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 102. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-20, 34-29-23 of the Code of Alabama 1975, so as to: limit board members to two terms; and to provide further for the compensation of board members.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Ford (with notice and proof):

H. 51. Relating to Etowah County; providing for an additional allowance for election officials who work at polling places.

By Mr. Taylor (with notice and proof):

S. 568. Providing for purging the lists of registered voters in Lowndes County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars and the county governing body relative to the reidentification of registered voters.

By Mr. Taylor (with notice and proof):

S. 569. Providing for purging the lists of registered voters in Wilcox County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars and the county governing body relative to the reidentification of registered voters.

By Mr. McDonald (with notice and proof):

S. 572. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Limestone County; and to provide for the expenditure of the funds in the office of the judge of probate.

By Mr. McDonald (with notice and proof):

S. 571. Relating to Madison County; to amend Section 1 of Act No. 120, H. 599, Regular Session of 1973 (Acts 1973, p. 153), so as to provide further for expense allowances of certain county officers.

By Reps. Smith (J) and Carter (with notice and proof):

H. 686. To provide that the investigators of the district attorney of the Thirty-ninth Judicial Circuit shall have arrest powers in Limestone County.

By Rep. Dial (with notice and proof):

H. 820. To provide for a special recording fee of \$1.50, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Clay County.

By Reps. Cates and Wyatt (with notice and proof):

H. 827. Relating to Crenshaw County; to provide for an additional expense allowance for election officials of said county.

By Reps. Cates and Wyatt (with notice and proof):

H. 828. Relating to Crenshaw County; to provide for an additional expense allowance for the members of the jury commission of said county.

By Rep. Dial (with notice and proof):

H. 829. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

By Rep. Dial (with notice and proof):

H. 830. Relating to Clay County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

By Rep. Dial (with notice and proof):

H. 831. Relating to Clay County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

By Rep. Dial (with notice and proof):

H. 832. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Smith (J):

H. 40. To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of a hotel owner, to require hotel owners to install and maintain smoke detectors in their rooms, to further provide for criminal penalties for removing said smoke detectors.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Naramore, Brakefield, Bowling, Biddle, Waggoner, Gafford and Moore (With Amendment):

H. 184. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U. S. C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 307. To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that partial and final payment to contractors on school building construction shall be made as provided on Public Work projects.

By Mr. Teague:

S. 539. To provide that all entities engaged in the sale of petroleum products file a specified declaration with the commissioner of revenue; to provide that no producer or refiner of petroleum products shall open or



operate a retail service station after certain specified dates with reasonable exceptions to the specified dates as allowed by the department of revenue; to provide that if discounts are offered, they must be offered on a nondiscriminatory basis.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Vacca:

S. 346. To provide for prohibition of the possession, concealment, manufacture, purchase, transport, sale, delivery, distribution or endeavor to sell, deliver or distribute any short-barreled shotgun or short-barreled rifle; to provide criminal penalties for violations of this act; to provide for the forfeiture and condemnation of short-barreled shotguns and short-barreled rifles.

By Messrs. White and Barron:

S. 178. To mandate an additional three-year sentence for the commission of certain felonies in private residences.

By Reps. Shoemaker, Dial, Kelley and Johnson (R. G.):

H. 337. To amend Section 20-2-93, Code of Alabama 1975, relating to forfeitures and seizures of property and vehicles used in violation of the Alabama Controlled Substances Act so as to provide for the sale of such property and vehicles and to further provide for the use and disposition of the proceeds from the sale of forfeited property.

By Reps. Zoghby, Kennedy, Escott, Bedsole, Ward, Stewart, Bennett, Parker, Harper (T), Smith (M), Riddick and Smith (J):

H. 186. To establish the "Protection from Abuse Act"; to provide for proceedings to bring about the cessation of abuse from a family violence disturbance; to provide for hearing, and including the following: injunctive relief directing defendant to refrain from abusing plaintiff, temporary orders of relief granting possession to the plaintiff of a residence or household to the exclusion of defendant, the awarding of temporary custody of and/or temporary visitation rights regarding minor children, temporary support for plaintiff and/or minor children, and emergency relief in an ex parte proceeding; and to provide that the defendants in such proceedings shall have the same rights, remedies and due process, where any wrongful action is instituted, as any defendant in other civil and criminal action.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (With Amendments):

S. 385. To amend sections 1-100, 3-110, 4-106, 5-107, and 9-102 of Act No. 80-434, S. 2, Regular Session 1980 (Acts of Alabama 1980, p. 604), entitled, "Alabama Rules of the Road Act" providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Hammett, Mitchell and Clark (G):

H. 271. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits probate judges from practicing law.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hall (With Amendment):

S. 268. To provide that only those qualified electors residing in the jurisdiction of a county school system may vote for members of the county board of education or superintendent of education.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener (With Amendment):

S. 439. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

By Mr. Smith (With Amendment):

S. 526. To amend sections 34-31-1, 34-31-3, 34-31-5, 34-31-7, 34-31-8, 34-31-9, 34-31-12, 34-31-15, and 34-31-16 of the 1978 supplement to the 1975 Code of Alabama so as to: (1) Clarify the definition of Regulated Contractor; (2) Exclude Professional Engineers, Professional Architects and certain Registered Contractors from this regulation; (3) Regulate roofing contractors involved in commercial roofing only; (4) Make the language of the Chapter consistent throughout; (5) Change the renewal date for Certification; (6) Change the number of required board meetings from monthly to bi-monthly; (7) Define a license and permit bond; (8) Allow for travel expense for board members.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 550. To provide that the Board of Trustees of the University of Alabama, at its discretion, may continue the employment of employees 70 years of age or older; and to repeal conflicting laws.

By Rep. Biddle:

H. 135. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

By Reps. Edwards, Grouby and Blake:

H. 154. To establish standards under which municipalities, in Classes 7 and 8, may purchase personal services or personal property from the elected officials of such municipalities under certain enumerated circumstances and conditions; to require disclosures; to establish procedures; and to repeal conflicting laws and statutes.

By Reps. Payne, Trammell, Olive and Cheatwood (with notice and proof):

H. 191. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Manley (With Amendment):

H. 675. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in Marengo County.

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Little, Proctor, Hall, Robertson and Cook:

S. 505. To exempt the American Lung Association of Alabama, the American Lung Association of Southwest Alabama and the Jefferson-Shelby Lung Association from all state, county and municipal sales and use taxes.

By Mr. Vacca:

S. 36. To amend Section 40-18-19, Code of Alabama 1975, which exempts certain income from state income taxation, so as to exclude payments made to certain individuals from certain county or municipal retirement systems.

By Mr. Vacca:

S. 375. To amend Section 41-16-51 of the Code of Alabama 1975, so as to exempt from the provisions of said Act purchases made by Local Housing Authorities, organized and existing under Title 24 of the Code of Alabama 1975, from moneys other than those raised by state, county or city taxation or received through appropriations from state, county or city sources.

By Mr. Keener:

S. 199. To exempt any department or agency of this State whose cost of printing and publication, including the cost equipment, machines, supplies and inventory is financed in full from federal grants under the authority of Title IX of the Social Security Act of 1935, as amended, for the purpose of administering the Employment Security Program in Alabama from the provisions of Act 1286 of the 1973 Regular Session of the Legislature of Alabama.

By Mr. Britnell:

S. 443. Providing for a decrease in the 1980-81 appropriation to the teachers' retirement system; providing a method for the return of this money to the state treasury; providing for the creation of a preretirement death fund effective as to all active employees covered by the teachers' or employees' retirement system of Alabama; and providing that no appropriations shall be necessary to fund the provisions of this bill.

By Mr. Britnell:

S. 395. To amend Code of Alabama 1975, Section 16-25-11, which relates to the Teachers' Retirement System; and Section 36-27-11 which relates to the Employees' Retirement System amending said sections so as to extend the period of eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1981, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

By Messrs. Little, Robertson, Kirkland, Smith, Holmes, Taylor, Higginbotham and Hall:

S. 94. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

By Mr. Keener:

S. 41. To amend Sections 12-17-140, 12-17-142, 12-17-143 and 12-17-147, Code of Alabama 1975, which relates to the supernumerary fund of clerks and registers of the circuit court, so as to: Require that the salary of each supernumerary clerk or register be paid on a bi-weekly basis; to place the clerks' and registers' supernumerary fund under the management and control of the employees' retirement system of Alabama; to provide that the secretary-treasurer of the employees' retirement system of Alabama shall invest such fund; to provide for refunds of contributions and accrued interest.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Bailey:

S. 233. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

By Mr. Hilliard:

S. 366. Proposing an amendment to Article VIII, Section 182 of the Constitution of Alabama 1901, so as to provide further for disqualifying certain persons from registering and voting.

By Mr. Holmes (With Amendments):

S. 205. To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

By Mr. Callahan:

S. 314. To amend Section 40-14-70, Code of Alabama 1975, relating to assessment and collection of corporate shares of stock, so as to alter the method of assessment.

By Mr. Hall:

S. 475. Amending Sections 16-8-25 and 16-12-21 of the code of Alabama 1975 so as to allow teachers and other employees in city and county schools to take vacations during the school year.

By Mr. Teague:

S. 427. To amend Code of Alabama 1975, Sections 34-17-14 and 34-17-25, which relate to license fees and penalties for Landscape Architects in Alabama; to increase said fees and penalties to allow for increased costs of administration, to be effective retroactive to October 1, 1980.

By Rep. Smith (J):

H. 32. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term

prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U. C. C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

#### MOTION IN WRITING

Mr. Martin offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 357, on page 5 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 357, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### LOCAL BILLS ON THIRD READING

The Bill:

H. 660. Relating to Dallas County; amending Act No. 136, H. 119, 1967 Regular Session (Acts 1967, p. 187), which provides for the issuance of a pistol permit, so as to increase the fee for said permit.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Hilliard	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Cook	Keener	St. John	White	
Denton	Kirkland			—25

*Nays:* —0

The Bill:

H. 661. Relating to Dallas County; to provide for a continuous system of compensation for election officers.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Hilliard	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Cook	Keener	St. John	White	
Denton	Kirkland			—25

*Nays:* —0

The Bill:

H. 753. Relating to Jackson County, to raise the compensation of the jury commission and the compensation of the clerk of the commission.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 753, to-wit:

•  
COMMITTEE AMENDMENT TO H. B. 753

Amend H. B. 753 in Section 5, line 34 by striking 1982 and inserting in lieu thereof, the following: 1981

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Cook	Goodwin	Keener
Bailey	Denton	Hall	Lemaster
Barron	Figures	Hilliard	Little
Britnell	Glass	Holmes	McDonald

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Miller	St. John	Teague	Weeks	
Mitchem	Smith	Vacca	White	
Parsons	Taylor			—25

*Nays:* —0

And said Bill, H. B. 753, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	McDonald	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Hilliard	Mitchem	Vacca	
Cook	Holmes	Parsons	Weeks	
Denton	Keener	St. John	White	
Figures	Lemaster			—25

*Nays:* —0

The Bill:

H. 767. To provide certain service credit for supernumerary status for the tax assessor and tax collector of Lauderdale County; to provide for certain prerequisites for such credit and to provide that said county shall pay such employer costs as are necessary with respect to such employees subject to this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	McDonald	Taylor	
Barron	Gulledge	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Cook	Keener	St. John	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 804. To amend Act 81-139, relating to finance charges or taxes assessed against lands which are used for timber growing purposes and are located within Cleburne County, so as to rescind the provision for land sale under conditions that apply to satisfaction of an valorem tax liens, and so as to provide that the Cleburne County Tax Collector will be responsible for making administrative rules and regulations, collecting funds, paying such funds to the Cleburne County Treasurer, and amending the effective date.

was read a third time at length and passed.



Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	McDonald	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Cook	Kirkland	Parsons	Weeks	
Denton	Lemaster	St. John	White	
Figures	Little			—25
<i>Nays:</i>				—0

The Bill:

S. 17. Relating to Etowah County; to amend Section 1 of Act No. 302, H. 1043, Regular Session 1977 (Acts 1977, p. 403), relating to branch banks, so as to provide further for such banks.

was taken up.

Mr. Keener offered the following substitute for the Bill, S. B. 17, to-wit:

#### SUBSTITUTE FOR S. B. 17

#### A BILL TO BE ENTITLED AN ACT

Relating to Etowah County; to amend Section 1 of Act No. 302, H. 1043, Regular Session 1977 (Acts 1977, p. 403), relating to branch banks, so as to provide further for such banks.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 302, H. 1043, Regular Session 1977 (Acts 1977, p. 403), is hereby amended to read as follows:

"Section 1. Any bank, whether incorporated or unincorporated, within the state, now or hereafter situated in, or having a branch in, Etowah County, shall have the power to establish, maintain and operate within the limits of said county, where a place of business of such bank is situated, one or more branches or branch banks, branch offices, branch agencies, additional offices or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank, before the establishment of any such branch or branches, shall first secure the written consent of the State Superintendent of Banks and meet the requirements of the appropriate regulatory banking authorities. Provided, however, that any branch bank established under this Act must be within the corporate limits of a municipality, in Etowah County and, where the population of the municipality was less than 3,000 persons according to the last Federal Decennial Census, any branch shall be located no farther from the City Hall than three-fourths (3/4) of one mile, this provision deemed necessary for police and fire protection purposes. Provided further, that the limitation contained in the foregoing sentence shall not apply to the town of Hokes Bluff.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

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Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Smith	
Bailey	Glass	Little	Taylor	
Barron	Goodwin	Martin	Teague	
Britnell	Gulledge	McDonald	Vacca	
Callahan	Hall	Mitchem	Weeks	
Cook	Hilliard	St. John	White	
Denton	Keener			—25

*Nays:* —0

And said Bill, S. B. 17, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Smith	
Bailey	Glass	Little	Taylor	
Barron	Goodwin	Martin	Teague	
Britnell	Gulledge	McDonald	Vacca	
Callahan	Hall	Mitchem	Weeks	
Cook	Hilliard	St. John	White	
Denton	Keener			—25

*Nays:* —0

The Bill:

H. 685. Relating to Madison County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Holmes	Parsons	
Bailey	Glass	Keener	Smith	
Barron	Goodwin	Lemaster	Teague	
Britnell	Gulledge	Little	Vacca	
Callahan	Hall	McDonald	Weeks	
Cook	Harrison	Mitchem	White	
Denton	Hilliard			—25

*Nays:* —0

## MOTION IN WRITING

Mr. White offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 132, on page 35 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 132, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## RESOLUTION

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 130. COMMENDING MR. KNUD NIELSEN, JR., PROMINENT EVERGREEN BUSINESS EXECUTIVE AND CIVIC LEADER.

Which was adopted.

## CONSENT CALENDAR

## BILLS ON THIRD READING RESUMED

The Bill:

S. 366. Proposing an amendment to Article VIII, Section 182 of the Constitution of Alabama 1901, so as to provide further for disqualifying certain persons from registering and voting.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Figures	Keener	Robertson	
Barron	Goodwin	Lemaster	Smith	
Britnell	Hall	Little	Taylor	
Cook	Higginbotham	Martin	Weeks	
deGraffenried	Hilliard	McDonald	White	
Denton	Holmes	Parsons		—22

*Nays:*

—0

The Bill:

S. 205. To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following amendment to the Bill, S. B. 205, to-wit:

## COMMITTEE AMENDMENT NO. 1 TO S. B. 205

On page 3, after line 37, add the following:

Section 4. The Commissioner of Agriculture and Industries shall accept a copy of disclosure under the U. S. Agriculture Foreign Investment Disclosure Act as being in compliance with the provisions of this Act.

Renumber remaining sections accordingly.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Smith	
Britnell	Harrison	Little	Taylor	
deGraffenried	Holmes	McDonald	Vacca	
Denton	Keener	Miller	Weeks	
Goodwin	Kirkland	Parsons		—18

*Nays:* —0

The Standing Committee on Agriculture, Conservation, and Forestry then reported the following amendment to the Bill, S. B. 205, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO S. B. 205, AS AMENDED

Amend S. B. 205 in Section 1, page 2 immediately following line 19 by inserting the following new definition:

(3) agricultural land means:

(a) land utilized in the production of agricultural commodities, including forest products.

(b) agricultural land does not include: leases granting the right to explore for and produce minerals from the land; mineral and royalty interest regardless of type or duration; options to purchase a contract for a purchase or sale of mineral interests of any kind; tracts of land or easements acquired in connection with the exploration, extraction, refining, manufacturing, processing or sale of minerals or their derivatives.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith	
Britnell	Hall	McDonald	Taylor	
Cook	Harrison	Miller	Vacca	
deGraffenried	Holmes	Mitchem	White	
Denton	Kirkland	Parsons		—18

*Nays:* —0

And said Bill, S. B. 205, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Hilliard	Martin	Smith	
Bailey	Holmes	McDonald	Taylor	
Britnell	Keener	Miller	Teague	
deGraffenried	Kirkland	Mitchem	Vacca	
Denton	Little	Parsons	White	
Hall				—20

*Nays:* —0

The Bill:

S. 475. Amending Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to allow teachers and other employees in city and county schools to take vacations during the school year.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	Robertson	
Bailey	Hall	Lemaster	Taylor	
Barron	Higginbotham	Little	Vacca	
Britnell	Holmes	Martin	Weeks	
deGraffenried	Keener	Miller		—18

*Nays:* —0

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 131. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 18th legislative day only:

## BILL NO. PAGE NO. DESCRIPTION

S. B. 157	4	Day care child fac., church, exempt
S. B. 46	14	Bank investigators
S. B. 243	29	P.S.C., expense allow
S. B. 524	125	Housing authorities, commissioner, comp.
S. B. 134	50	Mtr. Veh., odometers
S. B. 115	102	Pardons & Paroles Bd., suppl. approp.
S. B. 299	77	Water, Gas, Electric Directors, fee incr.
S. B. 465	91	Fishing, private and public ponds, regu.
S. B. 113	19	Ed., Bds. Line item transfer

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S. B. 293	101	Schools, fees, alternate means of approp.
S. B. 297	40	Goodwill Industries, B'ham., exempt
S. B. 146	45	Juries, selection process, civil & criminal
S. B. 34	34	Acting Pres. of U. of Ala., retirement
S. B. 485	88	State Treasurer, salary
S. B. 206	43	Children, legitimation process, guardian
S. B. 275	63	Juvenile Proceedings, age revision
S. B. 279	12	Public warehouse, fire ins.
S. B. 164	5	Drugs, Med. Exam. investigators, enforce
S. B. 294	80	Hospitals, extra comp., prohibit
S. B. 290	17	Conservation, Comm. of, special permits limited
S. B. 223	63	Deceptive Trade and practices Act
S. B. 455	123	Veterinary Medical Examiners
S. B. 283	29	Corp., campaign contributions
S. B. 96	67	L.E.O., minimum wage
S. B. 316	58	Fire Extinguishers, licenses & regu.
S. B. 406	55	Truck Tractors, taxes & fees, exempt
S. B. 250	42	AL Business Corporation Act, am'd
S. B. 200	34	Schools, report property damage & assaults
S. B. 118	38	Ad valorem taxation, delinquent pymt.

And on motion of Mr. McDonald, said Resolution was then adopted by the Senate.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

S. 314. To amend Section 40-14-70, Code of Alabama 1975, relating to assessment and collection of corporate shares of stock, so as to alter the method of assessment.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 2.

Yeas:

Messrs.:  
Callahan

deGraffenried  
Denton

Figures  
Goodwin

Higginbotham  
Holmes

Keener  
Kirkland  
LemasterMiller  
Parsons  
TaylorTeague  
VaccaWeeks  
White

—17

Nays: Messrs.: Little and Mitchem.

—2

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 152. To amend Section 2 of Act No. 80-583, S. 453, Regular Session 1980 (Acts 1980, p. 896) in order to clarify the term of office for the additional district judgeship in Tuscaloosa County.

Also:

S. 281. Relating to Mobile County; to exempt Mobile County from the provisions of any Act of the 1981 Regular Session of the Alabama Legislature increasing the salaries of state troopers or any other employee of the Alabama Department of Public Safety.

Also:

S. J. R. 120. WISHING A SPEEDY RECOVERY FOR SENATOR DOUG COOK.

Also:

S. 263. To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; and providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members.

Also:

S. 463. Relating to Shelby County: To authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Shelby County, Alabama.

Also:

S. J. R. 124. COMMENDING MISS PAMELA LEAH LOVE, ALABAMA'S 1981 MAID OF COTTON.

Also:

S. J. R. 125. EXPRESSING CONCERN FOR THE CITIZENS OF HURTSBORO, ALABAMA.

ALBERT McDONALD,  
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

On motion of Mr. Bailey, the Rules were suspended and the Bill:

S. 233. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

having been postponed until the Nineteenth Legislative Day, was today taken up.

And said Bill, S. B. 233, was again read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Mitchem
Bailey	Hall	Lemaster	Taylor
deGraffenried	Harrison	Little	Vacca
Denton	Holmes	Martin	Weeks
Figures	Keener	Miller	White

—19

*Nays:*

—0

Mr. Kirkland moved that the Senate reconsider the vote by which the Bill, S. B. 233, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 427. To amend Code of Alabama 1975, Sections 34-17-24 and 34-17-25, which relate to license fees and penalties for Landscape Architects in Alabama; to increase said fees and penalties to allow for increased costs of administration, to be effective retroactive to October 1, 1980.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.



Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Little	Taylor
deGraffenried	Holmes	Martin	Teague
Goodwin	Keener	Miller	Vacca
Hall	Kirkland	Mitchem	Weeks
Harrison	Lemaster	Parsons	White

—19

*Nays:*

—0

The Bill:

H. 32. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as

Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108, pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Smith
Barron	Harrison	McDonald	Teague
Britnell	Higginbotham	Miller	Vacca
deGraffenried	Keener	Mitchem	Weeks
Denton	Kirkland	Parsons	White
Goodwin	Lemaster	St. John	—22

*Nays:* —0

Mr. Kirkland moved that the Senate reconsider the vote by which the Bill, H. B. 32, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

And on motion of Mr. Kirkland, further consideration of the Bill, S. B. 54, was indefinitely postponed.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 112. To amend Sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, or whether created by general, special or local laws, or general laws of local application, if the authority governs an airport operated

by a county and at least one municipality therein jointly, to be eligible recipients of funds and assistance from the state industrial development authority.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Patton, Cosby, Payne, Bedsole and Amari:

H. 121. To amend Section 12-15-1, Code of Alabama 1975, so as to remove felonies and violations of the conservation and natural resources laws from the definition of a delinquent act when committed by one 16 years of age or older; to amend Section 12-15-30, Code of Alabama 1975, so as to grant jurisdiction to the juvenile court of those offenses transferred to it by other courts; to amend Section 12-15-33, Code of Alabama 1975, so as to provide for the transfer of a child to the juvenile court from other courts unless the child has previously been convicted of a felony in the adult court or has been transferred to the adult court pursuant to the provisions of Section 12-15-34, Code of Alabama 1975; and, to amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 years of age or older may be transferred to the adult court for any crime, to provide that a finding of probable cause by the juvenile court in a transfer hearing held pursuant to this section shall preclude the necessity of a preliminary hearing in the adult court, and to further provide that the transfer of a child 14 years of age or older to the adult court shall terminate the jurisdiction of the juvenile court over such child.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 121. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 448. To make further appropriations of state funds for the fiscal year ending September 30, 1981.

Also:

By Rep. Kelly:

H. 545. To amend Section 9-17-26 of the Code of Alabama 1975, relating to oil and gas 2% production tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

Also:

By Rep. Kelly:

H. 546. To amend Section 40-20-5, of the Code of Alabama 1975, relating to oil and gas severance tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 448. To the Committee on Finance and Taxation.

H. B.'s 545 and 546. To the Committee on Commerce, Transportation, and Utilities.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Biddle:

H. 43. To specifically exempt certain drugs from any state gross sales taxes; to define such drugs.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 43. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Biddle and Sasser:

H. 327. To provide for the levy of a sales tax on the sale of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale in this state from any person, firm, or corporation not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers, or house trailers within the state; to provide that the tax collector collect the tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer; to provide for the levy of an excise or use tax in lieu of the excise tax levied by Section 40-23-61 (c), Code of Alabama, 1975, as amended on the storage, use, or other consumption in the state of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale outside the state on or after July 1, 1981 for storage, use or other consumption in this state; to require the tax collector to collect such tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer in this state; to provide for the allowance of a fee on taxes collected to the tax collector; to provide for the distribution of the tax collected; to require the license commissioner to collect the tax in counties where such office has been established pursuant to a local law or general law of local application; and to provide for reciprocity.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 327. To the Committee on Finance and Taxation.

#### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hilliard:

S. 576. To provide for a reduction in the printing of ballots by amending Section 17-8-25 of the Code of Alabama, 1975, and for a permanent public record to be kept of box-by-box and precinct vote totals.

Committee on Governmental Affairs.

By Mr. Teague (with notice and proof):

S. 577. Relating to Talladega County; repealing Act No. 79-593, H. 949, 1979 Regular Session (Acts 1979, p. 1055), which provides for additional fees to be assessed against taxpayers delinquent in the payment of ad valorem taxes and providing for its retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 577, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Weeks:

S. 578. To make a supplemental appropriation from the state treasury to the Charles Henderson High School of Troy for the fiscal year ending September 30, 1981, for the purpose of sending the marching band to England to participate in the International Festival of Marching Bands in July.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 579. To amend section 13A-12-110 of the Alabama Criminal Code relating to the crime of promoting prostitution by redefining the terms "advance prostitution" and "profit from prostitution," to delete the clauses exempting prostitutes and patrons of prostitutes from the operation of said section and to provide that corroboration of the testimony of a co-defendant shall not be necessary for conviction of violation of sections 13A-12-111 or 13A-12-112 of the Alabama Criminal Code and to provide that all money, funds, negotiable instruments, firearms, weapons, conveyances, or any other property which is knowingly used or intended for use in violation of sections 13A-12-111 through 13A-12-113 of the Alabama Criminal Code is subject to forfeiture.

Committee on Judiciary.

By Mr. Hilliard:

S. 580. To establish a statewide voter registration file maintenance system to provide a service to the boards of registrars with provisions to delete the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his or her residence, (c) who has been convicted of a disqualifying crime, (d) who has failed to vote at any primary, special or general election for six (6) consecutive years, or (e) who is otherwise no longer qualified to vote as may be provided by law.

Committee on Governmental Affairs.

By Mr. Hilliard:

S. 581. To add a new Section 35-10-11 to the Code of Alabama 1975, to provide that notwithstanding any other provision of law, no sale of real property then being used as the principal place of residence of the owner or his or her spouse or children, whether by foreclosure of or power of sale contained in any mortgage, deed of trust or other conveyance intended to secure the payment of money, shall be effective to convey title or for any other purpose unless in addition to all other requirements imposed by law or agreement of the parties, the seller shall have mailed a specified notice to the owner, by registered or certified mail, return receipt requested, at least 10 days prior to any such sale; to prohibit any waiver of such notice requirement; to provide an effective date; and to repeal all other laws inconsistent therewith.

Committee on Judiciary.

By Mr. deGraffenried:

S. 582. To amend Section 34-28A-3, Code of Alabama 1975 so as to exempt certain persons and practices from the requirements of licensure as a speech pathologist and/or audiologist.

Committee on Health and Welfare.

By Mr. deGraffenried:

S. 583. To provide for bringing certain employees of the State Department of Mental Health into the classified service of the state merit system.

Committee on Governmental Affairs.

By Mr. deGraffenried:

S. 584. To amend Sections 34-30-32 and 34-30-33 of the Code of Alabama to allow certain employees of the Department of Mental Health employed in a social work position to engage in the practice of social work and to represent themselves as a social worker by using the title social worker without being licensed.

Committee on Health and Welfare.

By Mr. Lemaster:

S. 585. To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as amended, for the purpose of purchasing land and constructing a building in Ft. Payne, Alabama, and at such other locations as the Director shall determine to be in the best interest of the State and/or purchasing furnishings and equipment therefor and the cost of which does not in total exceed the amount of the appropriation. Such buildings are to be occupied by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama, the same to be used exclusively by employees of said Division of Employment Security.

Committee on Finance and Taxation.

## UNFINISHED BUSINESS

### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 317. To further regulate the sale of alcoholic beverages under the supervision of the Alabama Alcoholic Beverage Control Board in each municipality, in each county, and in all state parks; to authorize referendum elections in each municipality to determine if the sale of alcoholic beverages within the corporate limits will be allowed or if the sale of alcoholic beverages within the corporate limits will be prohibited, upon the petition of 25% of the number of registered voters casting a ballot in the last municipal election in said municipality; to provide that a period of not less than 720 days must elapse between the dates of such referendum elections; to authorize the governing authority of each municipality to establish the hours of sale for alcoholic beverages in the corporate limits and the governing authority of the county to establish the hours of sale for alcoholic beverages outside the corporate limits but within the county each and every day of the week; to provide that the governing authority of each municipality must approve each retail alcoholic beverage license application location within the corporate limits and the governing authority of the county must approve each retail alcoholic beverage license application outside the corporate limits but within

the county before the Alabama Alcoholic Beverage Control Board has the authority to issue a retail alcoholic beverage license; to provide that the Alabama Alcoholic Beverage Control Board may issue, with the approval of the Commissioner of the Department of Conservation and Natural Resources, a special retail license to any state park in Alabama or the franchisees or concessionaires of state parks; and to further provide that the Commissioner of the Department of Conservation and Natural Resources may establish the hours of sale of alcoholic beverages in state parks.

as amended. The question was on the amendment offered by Mr. Barron, which said amendment is set out in the Journal of the Senate for the Seventeenth Legislative Day.

Mr. Robertson moved that further consideration of the Bill, S. B. 317, as amended, and pending amendment, be postponed temporarily, which motion was lost.

On motion of Mr. Barron, said amendment was laid on the table.

Mr. Barron then offered the following amendment to the Bill, S. B. 317, as amended, to-wit:

AMENDMENT TO S. B. 317, AS AMENDED

Amend the Title to S. B. 317, beginning on Page 2, line 16, after the word "election," by deleting the remainder of line 16 and lines 17, 18, 19, 20 in their entirety and the words "day of the week;" on line 21.

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Mitchem
Bailey	Hall	Lemaster	Parson
Barron	Harrison	Little	Robertson
Britnell	Higginbotham	Martin	Taylor
deGraffenried	Holmes	McDonald	Vacca
Denton	Keener	Miller	Weeks
Goodwin			

—24

*Nays:*

—0

Mr. Barron then offered the following amendment to the Bill, S. B. 317, as amended, to-wit:

AMENDMENT TO S. B. 317, AS AMENDED

Amend Senate Bill No. 317, as amended, Page 3 Line 10, by inserting the word "general," after the word "municipal"

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Britnell	Denton	Goodwin
Barron	deGraffenried	Figures	Gulledge



Hall	Keener	Mitchem	Vacca	
Harrison	Lemaster	Parsons	Weeks	
Higginbotham	Little	Robertson	White	
Holmes	McDonald	Taylor		—22

*Nays:* —0

Mr. Barron then offered the following amendment to the Bill, S. B. 317, as amended, to-wit:

#### AMENDMENT TO S. B. 317, AS AMENDED

Amend Senate Bill No. 317, as amended, Page 6 Line 17, by inserting a period after the word "parks" and striking out the remainder of the sentence.

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Taylor	
Bailey	Hall	Little	Teague	
Barron	Harrison	McDonald	Vacca	
Britnell	Higginbotham	Mitchem	Weeks	
deGraffenried	Holmes	Parsons	White	
Denton	Keener	Robertson		—22

*Nays:* —0

Mr. Barron then offered the following amendment to the Bill, S. B. 317, as amended, to-wit:

#### AMENDMENT TO S. B. 317, AS AMENDED

Amend Senate Bill No. 317, as amended, Page 6 Line 27, by inserting the following at the end of Section 3: "This Section shall be applicable only in "wet" counties".

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Holmes	Robertson	
Barron	Gulledge	Keener	Teague	
Britnell	Hall	Lemaster	Vacca	
deGraffenried	Harrison	Little	Weeks	
Denton	Higginbotham	Mitchem	White	
Figures				—20

*Nays:* —0

Mr. Robertson offered the following amendment to the Bill, S. B. 317, as amended, to-wit:

#### AMENDMENT TO S. B. 317, AS AMENDED

Amend S. B. No. 317 Section 1 on Page 2, Line 38, after the word "municipality" and on page 3, line 5, before the word "may" by adding the words "with a population of at least 5,500 people".

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Further amend S. B. No. 317, Section 1, page 3, Line 6, beginning after the word "or" and before the word "prohibit" add the words "any municipality may."

Which was adopted.

Yeas 19; Nays 1.

*Yeas:*

Messrs.:	Denton	Lemaster	Taylor	
Bailey	Goodwin	Little	Teague	
Barron	Hall	Mitchem	Vacca	
Britnell	Harrison	Parsons	Weeks	
deGraffenried	Holmes	Robertson	White	
				—19
				—1

*Nay:* Mr. Keener.

Mr. Robertson then offered the following amendment to the Bill, S. B. 317, as amended, to-wit:

AMENDMENT TO S. B. 317, AS AMENDED

Amend Senate Bill No. 317, as amended, Page 3 Line 9, by striking out twenty-five after the word of and inserting forty-nine.

MOTION IN WRITING

Mr. Britnell offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 444, on page 4 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 444, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner (with notice and proof):

H. 798. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 798, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 799. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 799, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Coburn (with notice and proof):

H. 809. To authorize the city of Tuscumbia to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 809, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Cosby, Edwards and Pegues (with notice and proof):

H. 812. Relating to Dallas County; to provide that the Probate Judge shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 812, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Goodwin (with notice and proof):

H. 845. Applicable to the City of Russeville, Franklin County, Alabama, to provide an expense allowance to the Mayor and to each member of the city governing body of said city.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 845, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Penry (with notice and proof):

H. 848. To provide for a supplemental salary payable out of the Baldwin County General Fund, the annual sum of Six Thousand Dollars (\$6,000.00) per year to all circuit judges and Fifty Four Hundred Dollars (\$5,400.00) per year for all district judges, serving within the 28th Judicial Circuit of Alabama.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 848, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Coburn (with notice and proof):

H. 860. Relating to Colbert County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 860, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Sandusky (with notice and proof):

H. 628. To establish a Sheriff's filing fee on all civil and criminal cases filed in Mobile County, Alabama, and to provide for the collection and disbursement of said fee.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 628, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Sandusky (with notice and proof):

H. 627. To provide for fees, to set fees, to establish the method of collection, and to provide for the disbursement of fees for the Sheriff of Mobile County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 627, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

By Rep. Sandusky (with notice and proof):

H. 840. To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 840, as required in the general Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 798, 799, 809, 812, 845, 848, 860, 628, 627, and 840. To the Committee on Local Legislation No. 1.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bedsole:

H. 41. To provide for the recovery by the State of Alabama of interest in connection with excess payments made to health care providers under the State Medicaid program and to set a date for limitation of actions.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 41. To the Committee on Finance and Taxation.

## FURTHER CONSIDERATION OF S. B. 317

The Senate proceeded to further consideration of the Bill, S. B. 317, as amended. The question was on the amendment offered by Mr. Robertson.

## RESOLUTION

Mr. White offered the following Senate Joint Resolution, to-wit:

S. J. R. 132. CREATING A JOINT LEGISLATIVE OVERSIGHT COMMITTEE TO WORK WITH THE STATE PERSONNEL BOARD.

WHEREAS, it is the desire of the Alabama State Legislature that state employees receive salaries commensurate with those in private industry and other regional state government entities for the same type work performed; and

WHEREAS, state law (Sections 36-6-5 and 36-26-12, Code of Alabama) mandates the State Personnel Board and the State Personnel Director to fix pay scales for all state employees; and

WHEREAS, it is the desire of the Legislature for the State Personnel Board to complete a thorough examination of each state job classification; and

WHEREAS, it is the intention of the Legislature to increase the compensation of certain state employees which fall below a competitive level, it is not the intention of the Legislature to reduce present compensation of any state employee; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor and the State Personnel Board are hereby directed to make all state employee's compensation more competitive with those in the private sector.

BE IT FURTHER RESOLVED, That a Legislative Oversight Committee shall be appointed consisting of six members of the Legislature, three of whom shall be appointed by the Lt. Governor and three of whom shall be appointed by the Speaker of the House of Representatives.

Which was read and referred to the Standing Committee on Rules.

#### FURTHER CONSIDERATION OF S. B. 317

The Senate proceeded to further consideration of the Bill, S. B. 317, as amended. The question was on the amendment offered by Mr. Robertson.

On motion of Mr. Robertson, said amendment was laid on the table.

Mr. Bailey offered the following amendment to the Bill, S. B. 317, as amended, to-wit:

#### AMENDMENT TO S. B. 317, AS AMENDED

Amend Senate Bill No. 317, as amended, Page 3 Line 16, by inserting after the word "limits."

Signature on said petition shall be dated and shall be valid for the purpose of calling a referendum for a period of twelve months following the date of the signature.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 213. REQUESTING THE ALABAMA DEPARTMENT OF PUBLIC HEALTH TO SUSPEND ENFORCEMENT AND DELAY THE IMPLEMENTATION OF THE DEPARTMENT'S NEW REGULATIONS CONCERNING ONSITE SEWAGE DISPOSAL SYSTEMS.

Also:

H. J. R. 217. DESIGNATES MAY 3 - 10, 1981 AS ALABAMA ALCOHOL AWARENESS WEEK.

Also:

H. J. R. 218. COMMENDING COACH GENE BARTOW, UNIVERSITY OF ALABAMA, BIRMINGHAM.

Also:

H. J. R. 219. CONGRATULATING THE UNIVERSITY OF ALABAMA, BIRMINGHAM, BASKETBALL TEAM.

Also:

H. J. R. 220. COMMENDING GLENN MARCUS

Also:

H. J. R. 222. WELCOMING THE HONORABLE GEORGE BUSH TO THE STATE OF ALABAMA DURING HIS VISIT TO PARTICIPATE IN THE CENTENNIAL CELEBRATION OF TUSKEGEE INSTITUTE.

Also:

H. J. R. 225. COMMENDING MR. J. MORELAND NIXON, JR., OF LIVINGSTON, ALABAMA, FOR OUTSTANDING MUNICIPAL SERVICE.

Also:

H. J. R. 227. EXPRESSING THE LEGISLATURE'S APPRECIATION FOR THE HOSPITALITY OF THOSE IN THE GADSDEN-ETOWAH COUNTY AREA OF OUR STATE.

Also:

H. J. R. 226. COMMENDING MR. R. C. "Dick" THATCHER, JR., PRESIDENT OF STANDARD-COOSA-THATCHER COMPANY IN PIEDMONT, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 660. Relating to Dallas County; amending Act No. 136, H. 119, 1967 Regular Session (Acts 1967, p. 187), which provides for the issuance of a pistol permit, so as to increase the fee for said permit.

Also:

H. 661. Relating to Dallas County; to provide for a continuous system of compensation for election officers.

Also:

H. 685. Relating to Madison County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

Also:

H. 767. To provide certain service credit for supernumerary status for the tax assessor and tax collector of Lauderdale County; to provide for certain prerequisites for such credit and to provide that said county shall pay such employer costs as are necessary with respect to such employees subject to this act.

Also:

H. 804. To amend Act 81-139, relating to finance charges or taxes assessed against lands which are used for timber growing purposes and are located within Cleburne County, so as to rescind the provision for land sale under conditions that apply to satisfaction of ad valorem tax liens, and so as to provide that the Cleburne County Tax Collector will be responsible for making administrative rules and regulations, collecting funds, paying such funds to the Cleburne County Treasurer, and amending the effective date.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF S. B. 317

The Senate proceeded to further consideration of the Bill, S. B. 317, as amended. The question was on the amendment offered by Mr. Bailey.

And said amendment was then adopted.

Yeas 26; Nays 1.

*Yeas:*

Messrs.:	Hall	Lemaster	Smith
Bailey	Harrison	Little	Taylor
Barron	Higginbotham	Martin	Teague
Britnell	Hilliard	McDonald	Vacca
deGraffenried	Holmes	Mitchem	Weeks
Denton	Keener	Parsons	White
Gulledge	Kirkland	Robertson	—26

*Nay:* Mr. Goodwin. —1

Mr. Barron offered the following amendment to the Bill, S. B. 317, as amended, to-wit:

#### AMENDMENT TO S. B. 317, AS AMENDED

Amend Senate Bill No. 317, as amended, Page 2 Line 8, by striking out the word "all" after the word "in"

Which was adopted.



Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Keener	Taylor	
Bailey	Hall	Kirkland	Teague	
Barron	Harrison	Lemaster	Vacca	
Britnell	Higginbotham	Little	Weeks	
Callahan	Hilliard	Martin	White	
Denton	Holmes	McDonald		—24
Goodwin		Mitchem		

Nays: —0

Mr. Barron then offered the following amendment to the Bill, S. B. 317, as amended, to-wit:

## AMENDMENT TO S. B. 317, AS AMENDED

Amend Senate Bill No. 317, as amended, Page 2 Line 31, by inserting the words "in wet counties only" after the word "park"

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	Smith	
Bailey	Hall	Kirkland	Taylor	
Barron	Harrison	Lemaster	Teague	
Britnell	Higginbotham	Little	Vacca	
Callahan	Hilliard	McDonald	White	
deGraffenried	Holmes	Mitchem		—24
Denton				

Nays: —0

Mr. Barron then offered the following amendment to the Bill, S. B. 317, as amended, to-wit:

## AMENDMENT TO S. B. 317, AS AMENDED

Amend Senate Bill No. 317, as amended, Page 6 Line 13, by inserting the words "in wet counties only" after the word "park"

Which was adopted.

Yeas 26; Nays 1.

Yeas:

Messrs.:	Goodwin	Kirkland	Robertson	
Bailey	Gulledge	Lemaster	Smith	
Barron	Hall	Little	Taylor	
Callahan	Harrison	McDonald	Teague	
deGraffenried	Higginbotham	Miller	Vacca	
Denton	Holmes	Mitchem	White	
Figures	Keener	Parsons		—26

Nay: Mr. Weeks. —1

On motion of Mr. Robertson, the Senate reconsidered the vote by which the Robertson amendment No. 2 was adopted.

And on motion of Mr. Robertson, said amendment was laid on the table.

Mr. Robertson then offered the following amendment to the Bill, S. B. 317, as amended, to-wit:

AMENDMENT TO S. B. 317, AS AMENDED

Amend Senate Bill 317, on page 1, line 2, after the word "municipality" insert the following: "except Class 8 municipalities"

Further Amend Senate Bill 317, on page 2, line 4, after the word "municipality" insert the following: "except Class 8 municipalities"

Further Amend Senate Bill 317, on page 3, line 3, after the word "limits" insert the following: "except Class 8 municipalities"

Which was adopted.

Yeas 20; Nays 5.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Robertson
Bailey	Hall	Lemaster	Smith
Barron	Harrison	Little	Taylor
deGraffenried	Higginbotham	McDonald	Vacca
Denton	Holmes	Mitchem	White
Goodwin			

—20

*Nays:* Messrs.: Keener, Martin, Miller, Parsons and Weeks. —5

MOTION IN WRITING

Mr. Smith offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 386, on page 71 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 386, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 423, on page 103 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 423, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## MOTION TO ADJOURN LOST

At 5:50 P. M., Mr. Hall moved that the Senate adjourn until Tuesday, April 14, 1981, at 1 o'clock P. M., which motion was lost.

## FURTHER CONSIDERATION OF S. B. 317

The Senate proceeded to further consideration of the Bill, S. B. 317, as amended.

And said Bill, S. B. 317, as amended, was read a third time at length and lost.

Yeas 12; Nays 20.

*Yeas:*

Messrs.:	Goodwin	Keener	Vacca	
Callahan	Higginbotham	Parsons	Weeks	
Figures	Hilliard	Smith	White	
Glass				—12

*Nays:*

Messrs.:	Denton	Kirkland	Mitchem	
Bailey	Gulledge	Lemaster	Robertson	
Barron	Hall	Little	St. John	
Britnell	Harrison	Martin	Taylor	
Cook	Holmes	Miller	Teague	
deGraffenried				—20

Mr. Robertson moved that the Senate reconsider the vote by which the Bill, S. B. 317, was lost, and further moved that the motion to reconsider be laid on the table. The motion to table was lost.

Yeas 13; Nays 16.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Mitchem	
Bailey	Hall	Lemaster	Robertson	
Barron	Harrison	Little		—13
Britnell	Holmes			
Denton				

*Nays:*

Messrs.:	Glass	Keener	Teague	
Callahan	Goodwin	McDonald	Vacca	
Cook	Higginbotham	Parsons	Weeks	
deGraffenried	Hilliard	Smith	White	
Figures				—16

Mr. Robertson then moved that further consideration of the motion to reconsider the Bill, S. B. 317, be temporarily postponed.

On motion of Mr. Cook, the motion to temporarily postpone was laid on the table.

Yeas 15; Nays 13.

*Yeas:*

Messrs.:	Figures	Keener	Teague
Callahan	Goodwin	McDonald	Vacca
Cook	Higginbotham	Parsons	Weeks
deGraffenried	Hilliard	Smith	White

—15

*Nays:*

Messrs.:	Gulledge	Kirkland	Mitchem
Bailey	Hall	Lemaster	Robertson
Barron	Harrison	Little	Taylor
Denton	Holmes		

—13

The question then recurred on the motion of Mr. Robertson that the Senate reconsider the vote by which the Bill, S. B. 317, was lost.

Mr. Robertson then moved that the motion to reconsider be postponed until the Twentieth Legislative Day.

#### MOTION IN WRITING

Mr. White offered the following Motion in Writing, to-wit:

When we adjourn today we adjourn to 12:01 A. M. 4/9/81.

Which was read and referred to the Standing Committee on Rules.

#### FURTHER CONSIDERATION OF S. B. 317

The Senate proceeded to further consideration of the Bill, S. B. 317.

The question was on the motion of Mr. Robertson that his motion to reconsider the vote by which the Bill, S. B. 317, as amended, was lost be postponed until the Twentieth Legislative Day.

Mr. Goodwin moved that the motion to postpone the motion to reconsider be laid on the table, which motion was lost.

Yeas 11; Nays 13.

*Yeas:*

Messrs.:	Higginbotham	Parsons	Vacca
deGraffenried	Hilliard	Smith	Weeks
Goodwin	Keener	Teague	White

—11

*Nays:*

Messrs.:	Gulledge	Lemaster	Mitchem
Bailey	Harrison	Little	Robertson
Barron	Holmes	McDonald	Taylor
Denton	Kirkland		

—13

The question then recurred on the motion of Mr. Robertson that the motion to reconsider be postponed until the Twentieth Legislative Day, which motion was lost.

Yeas 9; Nays 16.

*Yeas:*

Messrs.:	Denton	Holmes	Little	
Bailey	Gulledge	Lemaster	Robertson	
Barron	Harrison			—9

*Nays:*

Messrs.:	Hilliard	Parsons	Teague	
Callahan	Keener	St. John	Vacca	
deGraffenried	Kirkland	Smith	Weeks	
Goodwin	Mitchem	Taylor	White	
Higginbotham				—16

Mr. Robertson then moved that the motion to reconsider the vote by which the Bill, S. B. 317, as amended, was lost be postponed until the Nineteenth Legislative Day.

On motion of Mr. White, the motion to postpone the motion to reconsider was laid on the table.

And on motion of Mr. White, the motion to reconsider the vote by which the Bill, S. B. 317, as amended, was lost, was postponed until Tuesday, April 14, 1981, at 4 o'clock P. M.

Yeas 20; Nays 1.

*Yeas:*

Messrs.:	Gulledge	McDonald	Smith	
Bailey	Harrison	Miller	Taylor	
Barron	Higginbotham	Mitchem	Teague	
deGraffenried	Keener	Parsons	Vacca	
Denton	Lemaster		White	
Goodwin				—20

*Nay:* Mr. Kirkland.

—1

Mr. White requested that the Journal record that an agreement was reached by the entire Senate that, in the event the motion to reconsider is adopted on Tuesday, the Bill, S. B. 317, as amended, will again be read a third time at length and be voted upon.

## MOTIONS IN WRITING

Mr. White offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 118, on page 87 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 118, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Smith offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 360, on page 114 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 360, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Smith then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 359, on page 113 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 359, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### FURTHER CONSIDERATION OF S. B. 59

The Senate proceeded to further consideration of the Bill:

S. 59. Relating to interest and usury: To amend Act No. 80-435 of the 1980 Legislature of Alabama and Section 8-8-5, Code of Alabama 1975, relating to certain loans to which usury laws do not apply, so as to provide that such laws do not apply to any person or entity, whether or not organized for profit, nor to any transaction thereunder, whether or not in default; to define terms used therein; to repeal Section 1(e) of Act No. 80-435; to repeal conflicting laws; to provide that provisions of this Act are severable; and, to provide for an effective date.

as amended.

The question was on the amendment offered by Mr. Figures, which said amendment is set out in the Journal of the Senate for the Sixteenth Legislative Day.

On motion of Mr. Gulledge, said amendment was laid on the table.

Mr. Hilliard offered the following amendment to the Bill, S. B. 59, as amended, to-wit:

#### AMENDMENT TO S. B. 59, AS AMENDED

Amend Senate Bill 59, Page 2, Line 7, by striking out the period after the figure "\$5,000" and replacing it with a semi-colon (;) and the following language:

"provided further that all laws relating to unconscionability in consumer transactions including but not limited to the provisions of Section 5-19-1, Code of Alabama, 1975, known as the mini-code, shall apply to transactions covered by this act."

Which was adopted.

Yeas 20; Nays 1.

Yeas:

Messrs.:	Goodwin	Holmes	Smith
Bailey	Gulledge	Keener	Taylor
Barron	Harrison	Lemaster	Teague
Callahan	Higginbotham	Little	Vacca
deGraffenried	Hilliard	Parsons	White
Denton			

—20

Nay: Mr. Miller.

—1

In accordance with the provisions of Senate Rule 29, Mr. Teague's Motion in Writing (filed at 2:45 P.M. on the Seventeenth Legislative Day) that the Senate reconsider the vote by which the Little amendment No. 2 to the Bill, S. B. 59, was adopted, was taken up.

And said Motion in Writing was then adopted, and the Senate reconsidered said amendment, which is set out at length in the Journal of the Senate for the Sixteenth Legislative Day.

Yeas 14; Nays 7.

*Yeas:*

Messrs.:	Denton	Kirkland	Teague	
Bailey	Goodwin	Lemaster	Vacca	
Callahan	Gulledge	St. John	White	
deGraffenried	Higginbotham	Smith		—14

*Nays:*

Messrs.:	Holmes	Little	Parsons	
Hilliard	Keener	McDonald	Taylor	—7

And on motion of Mr. Teague, said amendment was laid on the table.

Mr. Little then offered the following amendment to the Bill, S. B. 59, as amended, to-wit:

#### AMENDMENT TO S. B. 59, AS AMENDED

Amend Senate Bill No. 59, as amended, Page 3, by inserting a new Section 1(F) to read as follows:

(F) "The provisions of this section as they affect loans of \$25,000.00 or less shall become null and void on July 1, 1987 and shall have no force and effect unless such provisions are continued by Act of the legislature".

Which was adopted.

Yeas 18; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Taylor	
Bailey	Higginbotham	Little	Teague	
Callahan	Hilliard	McDonald	Vacca	
deGraffenried	Holmes	Parsons	White	
Denton	Keener	St. John		—18

*Nay:* Mr. Smith. —1

And said Bill, S. B. 59, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 6.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Taylor	
Bailey	Harrison	Martin	Teague	
Callahan	Higginbotham	Robertson	Vacca	
deGraffenried	Holmes	St. John	Weeks	
Denton	Keener	Smith	White	
Goodwin	Kirkland			—21

Nays:

Messrs.:	Hilliard	McDonald	Parsons	
Hall	Little	Miller		—6

SPECIAL ORDER

The Senate then proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 157. To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain pre-school programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed.

On motion of Mr. Harrison, the Rules were suspended and he was granted permission to take up the Bill:

H. 331. To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain preschool programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed, and provide further for the operation of said child care facilities.

in place of the Bill, S. B. 157.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, H. B. 331, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 331

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain preschool programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed, and provide further for the operation of said child care facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 38-7-3, Code of Alabama 1975, is hereby amended to read as follows:

"Sec. 38-7-3.

"No person, group of persons or corporation may operate or conduct any facility for child care, as defined in this chapter, without being licensed or approved as provided in this chapter; provided, however, that nothing in this section or in this chapter prohibits an employee of the department from carrying out the duties of the department as provided in this title. Provided, further, the provisions of this chapter shall not apply to preschool programs which are an integral part of a local church ministry or a religious nonprofit elementary school, and are so recognized in the church or school's documents, whether operated separately or as a part of a religious nonprofit elementary school unit, secondary school unit or institution of higher learning under the governing board or authority of said local church or its convention, association, or regional body to which it may be subject; provided that notice is filed



by the governing board or authority of the church or school with the department that said church or school meets the definition of a local church ministry or a religious nonprofit elementary school under terms of this Act and are exempt from regulation by the department and a notice of intent to operate said programs is given to the appropriate fire and health departments so that said facilities shall be inspected in accordance with the state and local fire and health requirements for such programs. In addition, all exempt churches hereunder shall publish annually, on church letterhead, a notice to the department certifying that the following records are being maintained by the church: fire and health inspection reports; immunization verifications for all children; medical history forms for all staff and children and that the following information shall be available to parents or guardian prior to enrolling their children in said church ministry; staff qualifications; pupil-staff ratio; discipline policies; type of curriculum used in the learning program; the religious teachings to be given each child; and the type of lunch program available; provided further that prior to enrolling and annually thereafter parents or guardian and a responsible individual representing the governing board as authority of the church or school be required to sign and file with the department the affidavits provided by this Act that the parents or guardian have been notified by said responsible individual that the church or school has filed notice and is exempt from regulation by the department. The district attorney of the county in which the preschool program is located shall, upon proper presentment of charges, investigate at his discretion any allegations against any such church under the laws of the State of Alabama."

## Section 2. FORM OF AFFIDAVIT (for parent/guardian)

STATE OF ALABAMA)

COUNTY OF )

Before me, a Notary Public in and for said State and County, appeared \_\_\_\_\_ and is known to me, after being duly sworn or affirmed, says as follows:

That affiant is the parent or legal guardian of the minor child/children \_\_\_\_\_; that affiant has been notified by \_\_\_\_\_, a representative of \_\_\_\_\_ Church/School, that said church or school has filed notice and is exempt under law from regulation by The Department of Pensions and Security.

\_\_\_\_\_ Parent/Legal Guardian Sworn, or affirmed to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

## FORM OF AFFIDAVIT (for Church/School)

STATE OF ALABAMA)

COUNTY OF )

Before me, a Notary Public in and for said State and County, appeared \_\_\_\_\_ and is known to me, after being duly sworn or affirmed says as follows:

That affiant is the designated representative of \_\_\_\_\_ Church/School and that the below listed parents/guardians have been notified prior to enrollment/reenrollment that \_\_\_\_\_ Church/School has filed notice with and is exempt under law from regulation by The Department of Pensions and Security: \_\_\_\_\_.

\_\_\_\_\_ Representative Sworn or affirmed to and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_ Notary Public

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 2.

*Yeas:*

Messrs.:	Harrison	Little	St. John
Bailey	Higginbotham	Martin	Smith
Callahan	Holmes	McDonald	Taylor
deGraffenried	Keener	Miller	Teague
Denton	Kirkland	Parsons	Vacca
Goodwin	Lemaster	Robertson	White
Gulledge			—24

*Nays:* Messrs.: Hilliard and Weeks. —2

Mr. Hilliard offered the following amendment to the Bill, H. B. 331, as amended by the substitute, to-wit:

AMENDMENT TO H. B. 331, AS AMENDED

To delete from this bill where ever it appears, the following:

“religious nonprofit elementary schools”

ADJOURNMENT

At 11:30 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, H. B. 331, as amended, the Senate adjourned until Tuesday, April 14, 1981, at 2 o'clock P.M.

## NINETEENTH LEGISLATIVE DAY

TUESDAY, APRIL 14, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Doctor Dick Johns, Minister, Pine Level United Methodist Church, Pine Level, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Eighteenth Legislative Day was approved by the Senate.

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Pearson:

S. 586. To make a supplemental appropriation from the general fund in the state treasury to the Office of Secretary of State, for the fiscal year ending September 30, 1981.

Committee on Finance and Taxation.

By Mr. deGraffenried:

S. 587. To amend Section 38-4-1 of the Code of Alabama 1975 which relates to persons to whom public assistance is payable by deleting the 18 year age limitation for aid to the permanently and totally disabled.

Committee on Finance and Taxation.

By Mr. McDonald:

S. 588. Relating to franchise agreements between retailers engaged in the business of selling and retailing farm implements, machinery, utility and industrial equipment, attachment or repair parts, and wholesalers, manufacturers or distributors therefor; requiring repurchase of certain inventory, stock and equipment from such retailers upon termination of a contract between the retailer and wholesalers, manufacturers, or distributors, as the case may be; providing procedures for such repurchase; establishing limitations and rights upon such repurchase; providing civil liability for failure to repurchase; extending the right to require repurchase option to the heirs of retailers; providing for warranty claims; providing for contractual rights and indemnification; providing for auditing and prescribing time limits therefor and for collections.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Mitchem (with notice and proof):

S. 589. Relating to Marshall County; to provide for an increase in salary for the members of the board of equalization of said county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 589, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Mitchem (with notice and proof):

S. 590. Relating to Marshall County; to provide for an increase in salary for the members of the jury commission of said county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 590, as required in the General Acts of Alabama, 1975 Act No. 919.

McDowell Lee,  
Secretary.

By Mr. Cook:

S. 591. To provide that legislative personnel shall receive all salary increases provided for state employees listed in the classified and unclassified service of the State of Alabama.

Committee on Governmental Affairs.

By Mr. Pearson:

S. 592. Proposing an amendment to the Constitution of 1901 repealing all exemptions from the payment of any state taxes based on gross proceeds or gross receipts and prohibiting the granting of any more such exemptions; relating to the use of such revenues, and removing the restriction on the use of all revenues thereby generated, except those sales taxes providing for the payment of bonds currently outstanding.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. White:

S. 593. To limit the accrual of annual leave for state employees; and to reduce the amount of such annual leave payable to a separating employee.

Committee on Finance and Taxation.

By Mr. White:

S. 594. To limit the accrual of sick leave for state employees; to reduce the amount of such sick leave payable to a separating employee; and to repeal Section 36-26-36, Code of Alabama 1975.

Committee on Finance and Taxation.

By Mr. White:

S. 595. To allow certain employees of the office of district attorneys to elect to enroll as members in the Alabama employees' retirement system for a certain period; and to exempt such employees from the mandatory requirement for participation of Section 36-27-4 of the Code of Alabama 1975; and to prescribe for an expiration date for the provisions of this act.

Committee on Finance and Taxation.

By Mr. St. John (with notice and proof):

S. 596. Relating to taxation in Cullman County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1 through 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and repealing a sales tax heretofore levied and collected by the City of Cullman.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 596, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Mitchem (with notice and proof):

S. 597. Relating to Marshall County; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 597, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Denton:

S. 598. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this act.

Committee on Governmental Affairs.

By Mr. Robertson:

S. 599. To amend Section 22-50-2 of the Code of Alabama 1975 which provides for the creation of a Department of Mental Health and establishes its composition, divisions, and offices so as to provide that the principal offices of the Department may be located at a place other than at the site of the State Capitol.

Committee on Governmental Affairs.

By Messrs. White, St. John, Goodwin and Cook:

S. 600. To provide further for political contributions by corporations, whether for profit or non-profit, or any agent or officer acting in their behalf.

Committee on Governmental Affairs.

By Mr. Cook:

S. 601. To provide that any county governing body within the state may expend public funds for the support of public services and facilities constructed, erected and maintained within municipalities in the county where the services or facilities benefit the citizens of said county.

Committee on Governmental Affairs.

By Messrs. Higginbotham and Little (with notice and proof):

S. 602. Relating to Lee County; providing an expense allowance for the coroner.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 602, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Smith (with notice and proof):

S. 603. To amend Section 1 of Act No. 738, H. 1596, of the 1971 Regular Session of the Legislature of Alabama relating to cities having a population of not less than 135,000 nor more than 185,000 according to the last or any subsequent federal decennial census, so as to provide that terms of the members of the Council, Places No. 3, 4, and 5 elected in the General Municipal Election in the year 1982 shall expire on the first Monday in October in the year 1984, and that said members be elected every four years thereafter for terms of four years commencing on the first Monday in October next, after their election; to amend Act No. 738, H. 1596 of the 1971 Regular Session of the Legislature of Alabama, so as to provide that the provisions of said Act are optional, and so as to provide that subsequent to January 1, 1981, no city otherwise covered by the Act shall come under the terms thereof except under the terms of an ordinance duly adopted by its governing body at least six months prior to any General Municipal Election, and providing for the transition from its present organization to that required under this Act; and to provide an effective date of this Act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 603, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hilliard:

S. 604. Proposing an Amendment to the Constitution of Alabama of 1901, relative to repealing Amendments No. 83 and 110; and providing that vacancies occurring in a judicial office in Jefferson County shall be filled as otherwise provided by the Constitution of Alabama of 1901 or statewide law.

Committee on Local Legislation No. 2.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Callahan:

S. 605. To further amend Sections 22-21-293 and 22-21-294 of the Code of Alabama 1975 which relate to the financial responsibility for the cost of medical treatment of certain indigent patients, so as to provide further therefor and the county's responsibility.

Committee on Finance and Taxation.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 112. To amend Sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, or whether created by general, special or local laws, or general laws of local application, if the authority governs an airport operated by a county and at least one municipality therein jointly, to be eligible recipients of funds and assistance from the state industrial development authority.

ALBERT McDONALD,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

### RESOLUTION

Messrs. Little, Higginbotham, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 133. MOURNING THE DEATH OF ALABAMA NATIVE AND WORLD HEAVYWEIGHT BOXING CHAMPION, JOE LOUIS.

WHEREAS, on April 12, 1981, our nation was united in its grief in the loss of Alabama native Joe Louis who died in Las Vegas, Nevada, at the age of 66; and

WHEREAS, born Joseph Louis Barrow near Lafayette in Chambers County, Alabama, and where he spent his early childhood, Joe Louis moved with his family at the age of six to Detroit, Michigan; and

WHEREAS, during his boxing career, which spanned some 17 years, Joe Louis compiled a phenomenal record of 68 wins out of 71 professional bouts and first won the Heavyweight Title by a knockout in 1937 against James J. Braddock; and

WHEREAS, Joe Louis was to successfully defend his title 25 times to remain World Champion some twelve years; and

WHEREAS, once and first beaten in the ring by Max Schmeling of Hitler's Nazi Germany, prior to the 1937 Championship, Joe Louis had his revenge in 1938 in a one-round knockout of Schmeling and of the Furher's emblem of Aryan supremacy; and

WHEREAS, not only did Joe Louis carve for himself a place of prominence in the annals of boxing, but also in the hearts of all Americans and the world; humble in his greatness, he was greatly admired, greatly loved and affectionately known to the world as the "Brown Bomber"; now therefore,



BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Joseph Louis Barrow, champion in the ring and in his own right as a kind and honorable man and as a truly great American.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Martha Louis, that she and other family members may know that theirs is a great sorrow shared by all Alabama, our nation and the world.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

#### MOTION IN WRITING

Mr. Miller offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 271, on page 124 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 271, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 753. Relating to Jackson County, to raise the compensation of the jury commission and the compensation of the clerk of the commission.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 471. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

Said Governor's Message being in words and figures as follows, to-wit:

#### MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama  
Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 471, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 14th Day of April, 1981.

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 471 without my signature and approval and with the following suggested Executive Amendment. This amendment would eliminate the provision making a primary election mandatory upon the county party committee in accord with Amendment No. 41 of the Alabama Constitution of 1901.

In Section 1, Line 37 following the word "committees" remove the word "shall" and add in lieu thereof the word "may".

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 46, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 39, Nays 0.

And said Bill, H. 471, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Martin, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 471, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Pearson
Barron	Harrison	Martin	Proctor
Cook	Higginbotham	McDonald	St. John
deGraffenried	Holmes	Miller	Smith
Goodwin	Keener	Mitchem	Taylor
Gulledge	Lemaster	Parsons	—22

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 471, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Pearson	
Barron	Harrison	Martin	Proctor	
Cook	Higginbotham	McDonald	St. John	
deGraffenried	Holmes	Miller	Smith	
Goodwin	Keener	Mitchem	Taylor	
Gulledge	Lemaster	Parsons		—22

*Nays:* —0

which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 753. Relating to Jackson County, to raise the compensation of the jury commission and the compensation of the clerk of the commission.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 119. CONGRATULATING THE UNIVERSITY OF ALABAMA AT HUNTSVILLE, NAIA BASKETBALL FINALISTS.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Grouby:

H. J. R. 229. HONORING DR. GARNER M. CLARK, PROMINENT ALABAMA RELIGIOUS AND CIVIC LEADER.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Taylor, the Rules were suspended and the Resolution, H. J. R. 229, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Albright:

H. J. R. 234. COMMENDING MR. THOMAS WHEELER CARTEE.

Also:

By Reps. Turner and Clark (W):

H. J. R. 236. COMMENDING MISS LEAH SUMMERSELL, CITRONELLE'S 1981 OIL QUEEN.

Also:

By Rep. Patton:

H. J. R. 237. CONGRATULATING AND COMMENDING DECATUR'S AUSTIN HIGH SCHOOL BLOOD DRIVE CHAMPIONS.

Also:

By Rep. Adams (H):

H. J. R. 238. COMMENDING MR. ARTHUR PERSHING WHITE OF JAMESTOWN, CHEROKEE COUNTY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Smith, the Rules were suspended and the Resolution, H. J. R. 234, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 236, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Martin, the Rules were suspended and the Resolution, H. J. R. 237, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Keener, the Rules were suspended and the Resolution, H. J. R. 238, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I wish to withdraw the previous message dated March 26, 1981 relative to the promotion of Colonel William A. Jackson because of a typographical error.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 14th day of April, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from Mr. Davis on behalf of His Excellency, the Governor, was read and ordered spread upon the Journal.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had granted the request of the Governor and reported the appointment of Colonel William A. Jackson to the rank of Brigadier General back to the Senate.

And on motion of Mr. White, the Senate complied with the request of the Governor and directed the Secretary to return said appointment to the Governor.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the promotion of Colonel William A. Jackson to the rank of Brigadier General in the Alabama Army National Guard.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 14th day of April, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

Colonel William A. Jackson has been promoted to the rank of Brigadier General effective 16 March, 1981.

The above appointment is being submitted to you for confirmation or for such action as you deem right and proper.

Respectfully,  
FOB JAMES,  
Governor.

Done this 14th day of April, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the rank of Brigadier General, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 121. CREATING A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 121, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE SUBSTITUTE FOR S. J. R. 121

CREATING A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES.

WHEREAS, the State of Alabama finds a unique opportunity in the large windfall accruing to the state from its recent oil leases; and

WHEREAS, no legislature in the history of Alabama has had the opportunity to address the critical needs of the state without imposing burdensome taxes upon the people; and

WHEREAS, the possibility exists of placing the revenues of the oil leases in a perpetual interest fund and/or other investments; and

WHEREAS, it is the responsibility of this Legislature to carefully and wisely weigh the alternatives of expending these oil lease revenues; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint interim legislative committee be established, consisting of seven (7) members of the Senate and seven (7) members of the House appointed by the Presiding Officer in each House, to investigate the feasibility of establishing a perpetual interest fund and any other investment and/or expenditures that would prove to be to the best interest of the taxpayers in the State of Alabama; and to report back to the Legislature its findings no later than May 5, 1981.

BE IT FURTHER RESOLVED, That this interim committee meet with the leaders of state agencies responsible for mental health, prisons, education, spokesmen of these fields and representatives of banks and all other financial institutions to determine the best possible method of investing and expending these funds.

BE IT FURTHER RESOLVED, That due to the brief time available for this committee that the public be notified in advance of any meeting of this committee and contact committee members if they wish to appear and express their views.

And President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Callahan, St. John, Pearson, Little, McDonald, Proctor, and Gulledge.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gafford:

H. 287. To amend Section 5 of Act No. 738, S. 533 of the 1980 Regular Session, which act provides for allowable interest surcharge, allowable interest rates or finance charges determined by the prime rate charged by certain banks, and open-end credit plans, so as to change the termination date provisions of this act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 287. To the Committee on Banking and Insurance.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 197. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U. S. C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Cook, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 197, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE AMENDMENT TO S. B. 197

Amend Senate Bill 197 as passed by the Senate, in Section 28, subsection (d), page 105 of said bill, by deleting the last sentence of said subsection as it appears therein, to-wit:

Payment shall occur after proceedings pursuant to Title 18, Chapter 1, Sections 18-1-13 through 18-1-32, Code of Alabama 1975.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Proctor
Bailey	Hall	Martin	St. John
Cook	Holmes	McDonald	Vacca
deGraffenried	Keener	Miller	Weeks
Denton	Kirkland	Parsons	White
Goodwin	Lemaster		

—21

*Nays:* —0

#### MOTIONS IN WRITING

Mr. Higginbotham offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 510, on page 109 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.



Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 510, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Keener offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 405, on page 80 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 405, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Robertson offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 154, on page 127 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 154, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### LOCAL BILLS ON THIRD READING

The Bill:

H. 51. Relating to Etowah County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	McDonald	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Pearson	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Lemaster	St. John	White	
Denton	Little			—25

Nays: —0

The Bill:

S. 568. Providing for purging the lists of registered voters in Lowndes County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars and the county governing body relative to the reidentification of registered voters. was taken up.

Mr. Taylor offered the following amendment to the Bill, S. B. 568, to-wit:

#### AMENDMENT TO S. B. 568

In Section 5, page 3, delete entirely lines 24 through 31, and insert in lieu thereof the following: of registrars requesting the board to furnish

the necessary forms for reidentification. Such written request must be accompanied by a certificate of a duly licensed physician stating that the voter is so handicapped, injured or incapacitated. The board shall respond to all such valid requests for reidentification forms. (c) Any voter who

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Keener	Proctor
Bailey	Glass	Little	St. John
Barron	Goodwin	Martin	Taylor
Britnell	Gulledge	Miller	Vacca
Callahan	Hall	Parsons	Weeks
Cook	Hilliard	Pearson	White
Denton	Holmes		

—25

*Nays:* —0

And said Bill, S. B. 568, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Keener	Proctor
Bailey	Glass	Little	St. John
Barron	Goodwin	Martin	Taylor
Britnell	Gulledge	Miller	Vacca
Callahan	Hall	Parsons	Weeks
Cook	Hilliard	Pearson	White
Denton	Holmes		

—25

*Nays:* —0

The Bill:

S. 569. Providing for purging the lists of registered voters in Wilcox County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars and the county governing body relative to the reidentification of registered voters. was taken up.

Mr. Taylor offered the following amendment to the Bill, S. B. 569, to-wit:

AMENDMENT TO S. B. 569

In Section 5, page 3, delete entirely lines 24 through 31, and insert in lieu thereof the following: request of the board of registrars requesting the board to furnish the necessary forms for reidentification. Such written request must be accompanied by a certificate of a duly licensed physician stating that the voter is so handicapped, injured or incapacitated. The board shall respond to all such valid requests for reidentification forms.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Taylor	
Britnell	Hall	Miller	Vacca	
Callahan	Hilliard	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Keener			—25

*Nays:* —0

And said Bill, S. B. 569, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Taylor	
Britnell	Hall	Miller	Vacca	
Callahan	Hilliard	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Keener			—25

*Nays:* —0

The Bill:

S. 572. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Limestone County; and to provide for the expenditure of the funds in the office of the judge of probate.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	McDonald	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Lemaster			—25

*Nays:* —0

The Bill:

S. 571. Relating to Madison County; to amend Section 1 of Act No. 120, H. 599, Regular Session of 1973 (Acts 1973, p. 153), so as to provide further for expense allowances of certain county officers.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor
Bailey	Glass	Little	Smith
Barron	Goodwin	McDonald	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Hilliard	Parsons	Weeks
Cook	Holmes	Pearson	White
Denton	Keener		

—25

*Nays:* —0

The Bill:

H. 686. To provide that the investigators of the district attorney of the Thirty-ninth Judicial Circuit shall have arrest powers in Limestone County.  
was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	Smith
Bailey	Glass	Little	Taylor
Barron	Goodwin	McDonald	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Hilliard	Pearson	Weeks
Cook	Holmes	Proctor	White
Denton	Keener		

—25

*Nays:* —0

The Bill:

H. 820. To provide for a special recording fee of \$1.50, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Clay County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Goodwin	Parsons	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Holmes	Proctor	Weeks
Cook	Lemaster	St. John	White
Denton	Little		

—25

*Nays:* —0

The Bill:

H. 827. Relating to Crenshaw County; to provide for an additional expense allowance for election officials of said county.  
was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Proctor	
Bailey	Goodwin	Martin	St. John	
Barron	Gulledge	Miller	Taylor	
Britnell	Harrison	Mitchem	Vacca	
Cook	Hilliard	Parsons	Weeks	
Denton	Holmes	Pearson	White	
Figures	Keener			—25

*Nays:* —0

The Bill:

H. 828. Relating to Crenshaw County; to provide for an additional expense allowance for the members of the jury commission of said county. was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Proctor	
Bailey	Goodwin	Martin	St. John	
Barron	Gulledge	Miller	Taylor	
Britnell	Harrison	Mitchem	Vacca	
Cook	Hilliard	Parsons	Weeks	
Denton	Holmes	Pearson	White	
Figures	Keener			—25

*Nays:* —0

The Bill:

H. 829. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Proctor	Weeks	
Cook	Kirkland	St. John	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 830. Relating to Clay County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any

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case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Goodwin	Parsons	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Holmes	Proctor	Weeks
Cook	Kirkland	St. John	White
Denton	Little		

—25

*Nays:* —0

The Bill:

H. 831. Relating to Clay County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

*Nays:* —0

The Bill:

H. 832. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Barron	Callahan	Denton
Bailey	Britnell	Cook	Figures

Glass  
Goodwin  
Hall  
Holmes  
Little

Martin  
Miller  
Mitchem  
Parsons  
Pearson

Proctor  
St. John  
Smith  
Taylor

Teague  
Vacca  
Weeks  
White

—25

*Nays:*

—0

### REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hall (with notice and proof):

S. 509. Relating to Blount County; providing for the method of electing the county superintendent of education.

By Rep. Johnson (R. G.) (with notice and proof):

H. 648. Relating to Coosa County; enunciating legislative intent; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

By Rep. Johnson (R. G.) (with notice and proof):

H. 649. Relating to Coosa County; providing further for the issuance of pistol permits by the sheriff, the fees therefor and the use of such fees; repealing specifically Act No. 121, H. 22 of the 1971 Regular Session (Acts 1971, p. 204), as amended, entitled, "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census; fixing the fees for issuance of pistol permits by the sheriff and providing for distribution and use of such fees," and repealing conflicting laws.

By Rep. Johnson (R. G.) (with notice and proof):

H. 650. To provide that the county commission of Coosa County shall pay all deputy sheriffs a starting salary of \$900.00 per month. The chief deputy shall be entitled to a salary of not less than \$75.00 per month more than a deputy. A sergeant will draw \$30.00 per month more than a deputy.

By Rep. Waggoner:

H. 714. Proposing an Amendment to the Constitution of 1901 relating to the City of Alabaster in Shelby County; authorizing the municipal governing body to levy an additional ad valorem tax.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Brakefield and Bowling (with notice and proof):

H. 721. Relating to Winston County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

By Rep. Sandusky (with notice and proof):

H. 840. To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Biddle:

H. 47. Relating further to health and accident insurance policies issued within this state; to provide further for the consideration of claims by the company issuing said policies and to provide that the insurance company shall pay interest on the unpaid amount of any such claims after a certain period of time from receipt of proof of loss.

By Rep. Cabaniss:

H. 239. To amend §36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Miller:

S. 441. To amend Sections 37-1-12 and 37-1-12.1 of the Code of Alabama 1975, relating to the appointment and employment of personnel in the Alabama Public Service Commission, so as to provide that such employees may be appointed or employed within or without the merit system and shall be entitled to all benefits as the classified service personnel.

By Mr. Figures:

S. 445. To amend Section 11-41-8, Code of Alabama 1975, which provides for validation of prior attempted incorporations that had been invalidated by procedural irregularities, so as to validate all those attempts prior to January 1, 1981.

## RESOLUTION

Mr. Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 134. DECLARING THE WEEK OF MAY 31 - JUNE 6, 1981 ALABAMA POULTRY WEEK.

WHEREAS, the poultry industry is Alabama's largest farm industry, totaling nearly \$700 million annually and accounting for over 30 percent of the total agricultural income in Alabama; and

WHEREAS, Alabama ranks third in the nation in the production of broilers and fifth in eggs; and

WHEREAS, the poultry industry provides jobs for 60 thousand Alabamians; and



WHEREAS, Francis Riley, Boaz, Alabama, has served as president of the Alabama Poultry & Egg Association with dedication, honor and utmost ethical standards; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of May 31-June 6, 1981 is hereby declared to be "ALABAMA POULTRY WEEK."

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 228. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Wednesday, April 8, we adjourn to meet again on Tuesday, April 14; when we adjourn on Tuesday, April 14, we adjourn to meet again on Thursday, April 16; when we adjourn on Thursday, April 16, we adjourn to meet again on Tuesday, April 21; when we adjourn on Tuesday, April 21, we adjourn to meet again on Wednesday, April 22; when we adjourn on Wednesday, April 22, we adjourn to meet again on Thursday, April 23; when we adjourn on Thursday, April 23, we adjourn to meet again on Tuesday, April 28; when we adjourn on Tuesday, April 28, we adjourn to meet again on Wednesday, April 29; when we adjourn on Wednesday, April 29, we adjourn to meet again on Thursday, April 30; when we adjourn on Thursday, April 30, we adjourn to meet again on Tuesday, May 5; when we adjourn on Tuesday, May 5, we adjourn to meet again on Wednesday, May 6; when we adjourn on Wednesday, May 6, we adjourn to meet again on Thursday, May 7; and when we adjourn on Thursday, May 7, we adjourn to meet again on Monday, May 18, all dates hereinabove stated being in the year 1981.

BE IT FURTHER RESOLVED That when we adjourn on Monday, May 18, 1981, we adjourn sine die.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 228, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

S. 441. To amend Sections 37-1-12 and 37-1-12.1 of the Code of Alabama 1975, relating to the appointment and employment of personnel in the

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Alabama Public Service Commission, so as to provide that such employees may be appointed or employed within or without the merit system and shall be entitled to all benefits as the classified service personnel.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Mitchem
Bailey	Figures	Kirkland	Parsons
Barron	Goodwin	Lemaster	Smith
Callahan	Higginbotham	Little	Taylor
deGraffenried	Holmes	Martin	Teague

—19

*Nays:* —0

The Bill:

S. 445. To amend Section 11-41-8, Code of Alabama 1975, which provides for validation of prior attempted incorporations that had been invalidated by procedural irregularities, so as to validate, all those attempts prior to January 1, 1981.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Parsons
Bailey	Hilliard	Martin	Smith
Barron	Holmes	McDonald	Taylor
deGraffenried	Keener	Miller	Teague
Figures	Kirkland	Mitchem	Vacca
Gulledge			

—20

*Nays:* —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 135. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 19th legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 46	14	Bank investigators
S. B. 243	25	P. S. C., expense allow
S. B. 524	107	Housing authorities, commissioner, comp.

S. B. 134	44	Mtr. Veh., odometers
S. B. 115	90	Pardons & Paroles Bd., suppl. approp.
S. B. 549	112	Cotton & Cotton Products Regu.
S. B. 299	67	Water, Gas, Electric Directors, fee incr.
S. B. 465	79	Fishing, private and public ponds, regu.
S. B. 297	34	Goodwill Industries, B'Ham., exempt
S. B. 113	19	Ed., Bds. Line item transfer
S. B. 293	89	Schools, fees, alternate means of approp.
H. B. 337	122	Relating to forfeitures and seizures of property
H. B. 59	35	Create an Equipment Management Surplus Reserve Acct or Fund in the Public Road and Bridge Fund of the State Highway Dept.
H. B. 81	49	Prov. for Investments in sub. and affiliates of domestic insurance companies
S. B. 146	39	Juries, selection process, civil & criminal
S. B. 34	29	Acting Pres. of U. of Ala., retirement
S. B. 485	76	State Treasurer, salary
S. B. 206	37	Children, legitimation process, guardian
S. B. 275	56	Juvenile Proceedings, age revision
S. B. 279	12	Public warehouse, fire ins.
S. B. 164	5	Drugs, Med. Exam. investigators, enforce
S. B. 294	70	Hospitals, extra comp., prohibit
S. B. 290	16	Conservation, Comm. of, special permits limited
H. B. 223	56	Deceptive Trade and practices Act
S. B. 455	5	Veterinary Medical Examiners
S. B. 283	25	Corp., campaign contributions
S. B. 96	60	L. E. O., minimum wage
S. B. 316	51	Fire Extinguishers, licenses & regu.
S. B. 406	48	Truck Tractors, taxes & fees, exempt
S. B. 250	36	AL Business Corporation Act, am'd
S. B. 200	28	Schools, report property damage & assaults
S. B. 118	32	Ad valorem taxation, delinquent pymt.

And on motion of Mr. McDonald, said Resolution was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 310. To provide for health insurance claim forms; requiring the State Insurance Commissioner to prescribe standard health insurance claim forms to be used by hospitals; requiring acceptance of such forms by insurers doing business in the State of Alabama; requiring the use of such forms by those agencies of the state which pay providers of health care for hospital and physicians' services.

JOHN W. PEMBERTON,  
Clerk.

UNFINISHED BUSINESS  
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 331. To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain preschool programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed, and provide further for the operation of said child care facilities.

as amended by the Committee substitute.

The question was on the amendment offered by Mr. Hilliard, which said amendment is set out in the Journal of the Senate for the Eighteenth Legislative Day.

And on motion of Mr. Hilliard, said amendment was laid on the table.

On motion of Mr. Pearson, further consideration of the Bill, H. B. 331, as amended, was postponed temporarily.

MOTION IN WRITING

Mr. Smith offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 381, on page 77 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 381, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 471. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

### RESOLUTION

Mr. Glass offered the following Senate Resolution, to-wit:

S. R. 136. HONORING MRS. RUBY F. DUNNAM OF MOBILE, ALABAMA.

Which was adopted.

### FURTHER CONSIDERATION OF H. B. 331

The Senate proceeded to further consideration of the Bill, H. B. 331, as amended.

And said Bill, H. B. 331, as amended, was read a third time at length and passed.

Yeas 29; Nays 4.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Harrison	Miller	Taylor
Cook	Higginbotham	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Proctor	White
Glass	Kirkland		

—29

*Nays:* Messrs.: Hilliard, Little, Pearson, and Weeks.

—4

Mr. Harrison moved that the Senate reconsider the vote by which the Bill, H. B. 331, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

And on motion of Mr. Harrison, further consideration of the Bill, S. B. 157, was indefinitely postponed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (M), Waggoner, Roberts, Kennedy, Parker, Owens, Ward, Cosby, Patton, Albright, Bennett, Coburn, Moore, Smith (J) and Naramore:

H. 512. To change the name of the capitol security officers to state capitol police officers, to provide for the powers, duties, and jurisdiction of state capitol police officers, to provide that state capitol police officers shall be provided a uniform of a type and color as prescribed by the director of finance, and to provide that the state department of finance is authorized to insure state capitol police officers against personal injury or death while discharging their duties.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 512. To the Committee on Governmental Affairs.

FURTHER CONSIDERATION OF S. B. 317

The hour of 4 o'clock having arrived, in accordance with motion heretofore adopted, the Senate proceeded to further consideration of the Bill:

S. 317. To further regulate the sale of alcoholic beverages under the supervision of the Alabama Alcoholic Beverage Control Board in each municipality, in each county, and in all state parks; to authorize referendum elections in each municipality to determine if the sale of alcoholic beverages within the corporate limits will be allowed or if the sale of alcoholic beverages within the corporate limits will be prohibited, upon the petition of 25% of the number of registered voters casting a ballot in the last municipal election in said municipality; to provide that a period of not less than 720 days must elapse between the dates of such referendum elections; to authorize the governing authority of each municipality to establish the hours of sale for alcoholic beverages in the corporate limits and the governing authority of the county to establish the hours of sale for alcoholic beverages outside the corporate limits but within the county each and every day of the week; to provide that the governing authority of each municipality must approve each retail alcoholic beverage license application location within the corporate limits and the governing authority of the county must approve each retail alcoholic beverage license application outside the corporate limits but within the county before the Alabama Alcoholic Beverage Control Board has the authority to issue a retail alcoholic beverage license; to provide that the Alabama Alcoholic Beverage Control Board may issue, with the approval

of the Commissioner of the Department of Conservation and Natural Resources, a special retail license to any state park in Alabama or the franchisees or concessionaires of state parks; and to further provide that the Commissioner of the Department of Conservation and Natural Resources may establish the hours of sale of alcoholic beverages in state parks.

as amended.

The question was on the motion of Mr. Robertson that the Senate reconsider the vote by which the Bill, S. B. 317, was lost.

And said motion was then adopted, and the Senate reconsidered said vote.

Yeas 17; Nays 15.

*Yeas:*

Messrs.:	Goodwin	McDonald	Teague	
Callahan	Higginbotham	Parsons	Vacca	
deGraffenried	Hilliard	Pearson	Weeks	
Figures	Keener	Smith	White	
Glass	Little			—17

*Nays:*

Messrs.:	Cook	Harrison	Martin	
Bailey	Denton	Holmes	Mitchem	
Barron	Gulledge	Kirkland	Robertson	
Britnell	Hall	Lemaster	St. John	
				—15

On motion of Mr. Goodwin, the Senate reconsidered the vote by which the Bill, S. B. 317, as amended, was ordered to its third reading.

And said Bill, S. B. 317, as amended, was again read a third time at length and passed.

Yeas 16; Nays 15.

*Yeas:*

Messrs.:	Goodwin	McDonald	Teague	
Callahan	Higginbotham	Parsons	Vacca	
deGraffenried	Hilliard	Pearson	Weeks	
Figures	Keener	Smith	White	
Glass				—16

*Nays:*

Messrs.:	Denton	Holmes	Mitchem	
Bailey	Gulledge	Kirkland	Robertson	
Barron	Hall	Lemaster	St. John	
Britnell	Harrison	Little	Taylor	
				—15

## RESOLUTION

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 137. MEMORIALIZING CONGRESS AND THE SMALL BUSINESS ADMINISTRATION TO KEEP THE PROMISES MADE TO ALABAMA FARMERS IN REGARD TO LOANS PROMISED DURING THE DISASTER CROP YEAR OF 1980.

WHEREAS, the crop year of 1980 was so bad in Alabama due to drought conditions that portions of Alabama were declared a disaster area and farmers were thereby entitled to low interest loans because of their financial shape; and

WHEREAS, many farmers throughout the State remain in serious financial condition because of their losses during the crop year 1980; and

WHEREAS, many of these farmers arranged their business and financial affairs based on promises of the Small Business Administration that they were entitled to receive low interest loans due to their crop losses during 1980; and

WHEREAS, many farmers have had their paper work approved for these loans; and

WHEREAS, these farmers are now being informed by the Small Business Administration acting under Reagan administration policies that they will not now be granted these loans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do memorizlize the Reagan administration, the United States Congress and the Small Business Administration that they are honor bound to live up to the promises made to Alabama farmers who were promised low interest loans because of the disastrous crop year of 1980.

BE IT FURTHER RESOLVED, That copies of this resolution be sent by the Secretary of the Senate to the head of the Small Business Administration and the Alabama Congressional Delegation, as well as President Reagan in Washington, D. C.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 204. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, pistol and such other personal equipment as the department may designate upon their retirement.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Holmes, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 204, the title of which is set out in the foregoing Message from the House, to-wit:



## AMENDMENT TO S. B. 204

Amend S. B. 204, page 1, Section 2, line 32, 33 by striking immediately and inserting in lieu thereof after the word "effective" retroactive to October 1, 1978

## AMENDMENT TO S. B. 204

Amend Senate Bill 204 on page 1, lines 20 and 29, after the word "badge" by striking the comma and adding in lieu thereof the word and

Further amend Senate Bill 204 on page 1, lines 20 and 29 by adding a period after the word "pistol"

Further amend Senate Bill 204 on page 1, lines 21 and 22 by striking the following: and such other equipment as the department may designate upon their retirement

Further amend Senate Bill 204 on page 1, lines 29, 30 and 31, by striking the following: and such other equipment as the Department of Conservation and Natural Resources of the Alcoholic Beverage Control Board, respectively, may designate.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	Smith	
Britnell	Higginbotham	Miller	Taylor	
Cook	Holmes	Mitchem	Teague	
deGraffenried	Keener	Parsons	Vacca	
Glass	Kirkland	St. John	White	
Gulledge	Lemaster			—21

*Nays:* —0

SPECIAL ORDER  
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 46. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

On motion of Mr. Vacca, further consideration of the Bill, S. B. 46, was postponed temporarily.

The Bill:

S. 243. Relating to the Public Service Commission; amending Section 37-1-11 of the Code of Alabama 1975, relating to compensation for the president and associate commissioners so as to further provide therefor; providing for expense allowances for such officials payable from the general fund of the state treasury.

was taken up.

On motion of Mr. White, further consideration of the Bill, S. B. 243, was postponed temporarily.

The Bill:

S. 524. To amend section 24-1-24, Code of Alabama 1975, dealing with housing authorities, so as to provide further for compensation to be paid to commissioners employed by such housing authorities in certain municipalities.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Denton	Lemaster	Taylor
Bailey	Goodwin	Little	Teague
Barron	Gulledge	Miller	Vacca
Britnell	Harrison	Mitchem	Weeks
Cook	Holmes	St. John	White
deGraffenried	Kirkland		

—21

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 29. To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of a hotel owner, to require hotel owners to install and maintain smoke detectors in their rooms, to further provide for criminal penalties for removing said smoke detectors.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus (with notice and proof):

H. 864. Relating to Choctaw County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 864, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 865. Relating to Choctaw County, authorizing the county governing body to provide for salaries of clerical and secretarial employees which may be hired from time to time to staff the offices of the tax assessor and tax collector.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 865, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 866. Relating to Choctaw County; amending the title and Sections 1, 2, and 4 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), and Act No. 80-295, H. 796, 1980 Regular Session (Acts 1980, p. 409-410), relating to the appointment of the county superintendent of education, so as to provide for the election and further for the qualifications and compensation of such officer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 866, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Cosby (with notice and proof):

H. 869. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Billingsley in Autauga County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 869, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Edwards (with notice and proof):

H. 875. Relating to Wilcox County; to amend Section 1 of Act No. 1447, S. 962, of the Regular Session of 1971 (Acts 1971, p. 2471), relating to the compensation of the board of registrars, so as to provide further for such compensation for the period of time from January 1, 1977, through September 30, 1980; and to provide for retroactive effect for such period of time.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 875, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 886. Relating to Washington County; to amend Act No. 80-274, H. 730, 1980 Regular Session of the Alabama Legislature (Acts of 1980, p. 362), which prohibited the hunting of unantlered deer, so as to grant the Department of Conservation and Natural Resources the power to permit the hunting of unantlered deer within designated areas where in the opinion of the Commissioner of Conservation it is necessary for game management purposes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 886, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Harper (T) (with notice and proof):

H. 825. Relating to Mobile County; to authorize and empower the county commission to establish a solid waste management program in the unincorporated areas of Mobile County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 825, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 864, 865, 866, 869, 875, 886, and 825. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 607. To amend Sections 34-8-2, 34-8-4, and 34-8-5, Code of Alabama 1975, which relate to the licensing and regulation of general contractors, so as to provide further for said licensing.

Also:

By Rep. Biddle:

H. 805. To amend Code of Alabama 1975, §9-11-17 so as to provide the requirements, duties, authority, compensation and method of revoking appointments for deputy game and fish wardens.

Also:

By Reps. Turner, Harper (T), Parker, Minus, Zoghby, Ward, McMillan, Sandusky, Bowling, Boles, Biddle, Trammell, Langford, Stewart, Howard, Waggoner, Willis, Blake, Harper (O), Rains, Grimsley, Edwards, Mitchell, Olive, Moore, Cabaniss, Gilmer, Greer, Albright, Hall, Ford, Harvey, Riddick, Horn, Escott, Roberts, Letson, Brakefield, Johnson (Roy), Cooley, Dial, Bennett, Gafford, Smith (C), Smith (M), Gregg, Coburn, Goodwin, Kelley, Crow, Carothers, Whatley, Sasser, Williams, Laird, Warren, Clark (W), Bedsole, Dixon, Daniels, Penry, Hines, Venable, Kennedy, Buskey, Naramore, Holley, Shoemaker, Adams (H) and Drinkard:

H. 542. Relating to sales and use taxes; amending Sections 40-23-1 and 40-23-4, Code of Alabama 1975, so as to further define the term "wholesale sale or sale at wholesale" as it relates to certain tangible personal property or products and to exempt the gross receipts on the sale of wood residue.

Also:

By Rep. Bennett:

H. 20. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include certain other associations within the definitions of charitable organizations as used in this section.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 607. To the Committee on Business and Labor Relations.

H. B. 805. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 542. To the Committee on Commerce, Transportation, and Utilities.

H. B. 20. To the Committee on Governmental Affairs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Sasser, Carter, Williams, Carothers, Grimsley, Campbell, Venable and Cates:

H. 363. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

Also:

By Rep. Cates:

H. 195. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 363. To the Committee on Finance and Taxation.

H. B. 195. To the Committee on Governmental Affairs.

FURTHER CONSIDERATION OF S. B. 243

The Senate proceeded to further consideration of the Bill, S. B. 243.

And said Bill, S. B. 243, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 2.

*Yeas:*

Messrs.:	Denton	Kirkland	Teague
Bailey	Goodwin	St. John	Vacca
Barron	Holmes	Smith	White
Britnell	Keener		

—13

*Nays:* Messrs.: Little and Taylor. —2

The President and Presiding Officer of the Senate declared a quorum present but not voting.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Williams and Grimsley:

H. 556. To provide for prohibition of the possession, concealment, manufacture, purchase, transport, sale, delivery, distribution or endeavor to sell, deliver or distribute any short-barreled shotgun or short-barreled rifle; to provide criminal penalties for violations of this act; to provide for the forfeiture and condemnation of shortbarreled shotguns and short-barreled rifles.

Also:

By Reps. Roberts and Carter:

H. 359. To provide for and regulate the sale, use, distribution and manufacture of certain fireworks; to provide for permits to be issued by the state fire marshal; to specifically prohibit certain fireworks and to define certain terms relating to fireworks and explosives; to prescribe penalties for violation of this Act; and to repeal Sections 13A-11-100 through 13A-11-105, Code of Alabama 1975, relating to fireworks.

Also:

By Rep. Manley:

H. 676. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineers of this state, so as to remove the requirement that they be registered land surveyors; to delete references to several county exceptions in the existing code section; and to provide for the state highway department's partial payment of the salaries of county engineers as provided by Section 11-6-4, Code of Alabama 1975, regardless of the lack of qualification as a registered land surveyor.

Also:

By Reps. McMillan, Penry, Hines, Turner, Stewart, Parker, Cosby, Mitchell, Cobb, Zoghby and Harper (T):

H. 586. To provide that the conservation advisory board shall have the power to promulgate rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of airboats on any of the public waters of this state that are affected by the tide; and to provide for penalties for violations.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 556. To the Committee on Judiciary.

H. B.'s 359 and 676. To the Committee on Governmental Affairs.

H. B. 586. To the Committee on Agriculture, Conservation, and Forestry.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 134. To prohibit certain acts relating to tampering with motor vehicle odometers, to require transferor's giving of an odometer certification, recording of mileage on title or bill of sale; and to provide penalties for violation.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Glass	Keener	Pearson
Bailey	Goodwin	Kirkland	Smith
Barron	Hall	Little	Taylor
Britnell	Harrison	McDonald	Teague
deGraffenried	Higginbotham	Mitchem	Vacca
Denton	Holmes	Parsons	White

*Nays:*

—0

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 317. To further regulate the sale of alcoholic beverages under the supervision of the Alabama Alcoholic Beverage Control Board in each municipality, in each county, and in all state parks; to authorize referendum elections in each municipality, except Class 8 municipalities, to determine if the sale of alcoholic beverages within the corporate limits will be allowed or if the sale of alcoholic beverages within the corporate limits will be prohibited, upon the petition of 25% of the number of registered voters casting a ballot in the last municipal election in said municipality; to provide that a period of not less than 720 days must elapse between the dates of such referendum elections; to authorize the governing authority of each municipality to establish the hours of sale for alcoholic beverages in the corporate limits and the governing authority of the county to establish the hours of sale for alcoholic beverages outside the corporate limits but within the county each and every day of the week; to provide that the governing authority of each municipality must approve each retail alcoholic beverage license application location within the corporate limits and the governing authority of the county must approve each retail alcoholic beverage license application outside the corporate limits but within the county before the Alabama Alcoholic Beverage Control Board has the authority to issue a retail alcoholic beverage license; to provide that the Alabama Alcoholic Beverage Control Board may issue, with the approval of the Commissioner of the Department of Conservation and Natural Resources, a special retail license to any state park, in wet counties only, in Alabama or the franchisees or concessionaires of state parks; and to further provide that the Commissioner of the Department of Conservation and Natural Resources may establish the hours of sale of alcoholic beverages in state parks.

ALBERT McDONALD,  
Chairman.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 229. HONORING DR. GARNER M. CLARK, PROMINENT ALABAMA RELIGIOUS AND CIVIC LEADER.

Also:

H. J. R. 234. COMMENDING MR. THOMAS WHEELER CARTEE.

Also:

H. J. R. 236. COMMENDING MISS LEAH SUMMERSELL, CITRONELLE'S 1981 OIL QUEEN.



Also:

H. J. R. 237. CONGRATULATING AND COMMENDING DE-CATUR'S AUSTIN HIGH SCHOOL BLOOD DRIVE CHAMPIONS.

Also:

H. J. R. 238. COMMENDING MR. ARTHUR PERSHING WHITE OF JAMESTOWN, CHEROKEE COUNTY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 51. Relating to Etowah County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 686. To provide that the investigators of the district attorney of the Thirty-ninth Judicial Circuit shall have arrest powers in Limestone County.

Also:

H. 820. To provide for a special recording fee of \$1.50, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Clay County.

Also:

H. 827. Relating to Crenshaw County; to provide for an additional expense allowance for election officials of said county.

Also:

H. 828. Relating to Crenshaw County; to provide for an additional expense allowance for the members of the jury commission of said county.

Also:

H. 829. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Also:

H. 830. Relating to Clay County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Also:

H. 831. Relating to Clay County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Also:

H. 832. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 115. To make a supplemental appropriation to the State Board of Pardons and Paroles for the fiscal year ending September 30, 1981.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	St. John
Bailey	Gulledge	Little	Smith
Barron	Hall	McDonald	Taylor
Britnell	Higginbotham	Miller	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Pearson	White
Figures	Kirkland		

—25

*Nays:*

—0

The Bill:

S. 549. To authorize and provide for the promotion of the production, marketing, use and sale of cotton and cotton products by research, education, advertising and other methods; to prescribe a method whereby cotton producers may act jointly with handlers, buyers, processors, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the cotton producers of Alabama; to provide for the administration thereof by a commission, council, board or other agency or a nonprofit association which is fairly and substantially representative of the producers of cotton throughout the state; to provide for collection and distribution of assessments by dealers, handlers and buyers of cotton; to require an annual permit of such dealers, processors and other buyers; and to prescribe other administrative, enforcement, promotional and penalty provisions.

was taken up.

Mr. McDonald offered the following substitute for the Bill, S. B. 549, to-wit:

#### SUBSTITUTE FOR S. R. 549

#### A BILL TO BE ENTITLED AN ACT

To authorize and provide for the promotion of the production, marketing, use and sale of cotton and cotton products by research, education, advertising and other methods; to prescribe a method whereby cotton producers may act jointly with handlers, ginners, buyers, processors, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the cotton producers of Alabama; to provide for the administration thereof by a commission, which is fairly and substantially representative of the producers of cotton throughout the state and to regulate the establishment of such commissions; to provide for collection and distribution of assessments; to require ginners of cotton to collect assessments levied under this act; and to prescribe other administrative, enforcement, promotional and penalty provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. PURPOSE AND INTENT. It is hereby declared to be in the interest of the public welfare that producers of cotton shall be authorized and encouraged to act jointly and in cooperation with handlers, dealers, purchasers and ginners of cotton, with the commissioner of agriculture and

industries and with the state board of agriculture and industries in promoting and stimulating by research, education, advertising and other methods, the increased and efficient production, distribution, use and sale of cotton and cotton products; and it is the intent and purpose of this act to authorize and provide a method and procedure for a promotional program for the cotton industry and the financing thereof pursuant to powers of the legislature as authorized by Amendment No. 388 to the State Constitution which expressly authorizes such activity.

**Section 2. NOT IN RESTRAINT OF TRADE.** No association, meeting or activity undertaken in pursuance of the provisions of this act and intended to benefit the Alabama cotton producers and the cotton industry in general shall be deemed or considered illegal or in restraint of trade.

**Section 3. REFERENDUM AND ASSESSMENTS BENEFICIAL.** It is hereby further declared to be in the public interest and highly advantageous to the economy of the state that cotton producers be permitted by referendum as hereinafter provided to levy upon themselves an assessment, and to provide for the collection thereof for the financing or contributing toward the financing of a program of research, education, advertising and other methods designed to increase or promote the efficient and economical production, distribution and marketing as well as the increased use, consumption and sale of cotton and cotton products.

**Section 4. ESTABLISHMENT OF COMMISSION AND APPLICATION FOR APPROVAL TO CONDUCT REFERENDUM.** Any commission, established by the mutual agreement of any two or more nonprofit associations of cotton producers, fairly and substantially representative of the producers of cotton throughout the state, may at any time after this act becomes effective, make application to the state board of agriculture and industries for certification and approval for the purpose of conducting a referendum among cotton producers of the state, upon the question of levying an assessment, collecting, expending and utilizing the same for the purpose or purposes authorized under this act and as stated in such referendum. For the purpose of determining whether the cotton producers are fairly represented by such applicant, the nonprofit associations establishing the commission or the commission shall submit to the state board of agriculture and industries for approval or disapproval a plan or system for dividing the state into six districts, each district to contain as nearly as possible the same number of acres planted to cotton during the last year immediately prior to the date of submitting such plan for which such statistics are available. The Commission shall be composed of not more than eleven members, six of whom shall be elected representatives of the six respective districts into which the state is divided, as above provided, and the remainder shall be appointed from the state at large by the mutual consent of the nonprofit associations of cotton producers establishing the commission which applies for authorization to conduct the referendum and promotional program. Every member of the commission shall be a bona fide Alabama cotton producer. Any commission approved or certified hereunder by the state board of agriculture and industries shall be authorized to execute or carry out such a promotional program within the limits prescribed by this act, and hereinafter shall be referred to as an approved or certified commission.

**Section 5. ACTION BY BOARD ON APPLICATION.** Upon the filing with the state board of agriculture and industries of an application by any commission, formed by mutual agreement of two or more nonprofit associations of cotton producers, the said board shall within thirty days thereafter meet and consider the application. If it is shown by the applicant to the

satisfaction of the board that the applicant is fairly and substantially representative of the cotton producers of this state, and the board shall otherwise find and determine that such application and the program proposed therein are in conformity with the provisions and purposes of this act, then, and in such an event, the board shall certify such organization as the duly delegated and authorized commission and shall likewise certify that such commission is duly authorized to conduct among the cotton producers of this state a referendum for the purpose set forth in its application which shall be consistent with the purposes of this act. In the event there is more than one pending application at any time, the board must decide between the pending applications based on the program proposed, the number and geographical distribution of cotton producer members in the applicant commission, the size, stability, potential effectiveness and fiscal soundness of the applicant commission and any organizations with which it is affiliated, the existence and effectiveness of affiliated county organizations in the applicant commission and its affiliates, and the sentiment of cotton producers as ascertained by petitions, hearings, and otherwise as may be determined by the board. No application shall be considered if another commission holds currently valid certification.

**Section 6. REFERENDUM BY CERTIFIED COMMISSION.** Upon being so certified by the state board of agriculture and industries, such commission shall thereupon be fully authorized and empowered to hold and conduct on the part of the Alabama cotton producers a referendum wherein they shall be entitled to vote on the question of whether or not they shall levy upon themselves an assessment under and subject to and for the purpose stated in this act. The referendum shall be conducted on a statewide basis.

**Section 7. NOTICE OF REFERENDUM.** With respect to any referendum conducted under the provisions of this act, the duly certified commission shall, not less than thirty days before the date of such referendum, publicly announce the date, hours, polling places and rules for voting in the referendum, the amount and basis of the assessment proposed to be collected, the means by which such assessment shall be collected, and the general purposes to which said amount so collected shall be expended and applied. Such notice shall be published by the certified commission through the medium of an established farm publication and written notice thereof shall be given to each county agent in the area covered by the referendum.

**Section 8. CONDUCT OF REFERENDUM.** The arrangements for and the management of any referendum conducted hereunder shall be under the direction of the commission certified by the state board of agriculture and industries to conduct same, and such commission shall furnish all necessary ballots and arrange for the necessary poll holders. All expense and costs necessary to conduct such a referendum shall be borne by such commission.

**Section 9. ELIGIBILITY TO VOTE IN REFERENDUM.** Any referendum conducted hereunder may be held on a statewide basis pursuant to rules and regulations adopted by the state board of agriculture and industries for the holding of such referendum. Every producer of cotton who shall be subject to any assessment levied hereunder and who produced cotton in the crop year immediately preceding the referendum shall be entitled to one vote in the referendum. In such referendum, individuals so eligible for participation therein shall vote upon the question of whether there shall be levied an assessment for a period of ten years in an amount set forth in the call for such referendum, which amount shall not exceed the limitations prescribed by this act. Votes shall be cast by secret ballot.

Section 10. **MAJORITY VOTE REQUIRED.** If in such referendum a majority or more of the cotton producers who are eligible to participate and who actually vote therein, shall vote in the affirmative and in favor of the levying and collection of the assessment proposed in such referendum, then such assessment shall be levied and collected in the manner hereinafter provided. All cotton producers who produced cotton in the crop year immediately preceding the referendum shall be eligible to participate in said referendum. Following the referendum and within 30 days thereafter, the certified commission shall canvass, tabulate and publicly declare and announce the results thereof. The amount of the assessment levied upon the sale of cotton shall not exceed .3% of the bale value. The bale value shall be calculated on the basis of the average market price of cotton during the August-July period of the previous year or growing season and on a bale weight of 480 pounds; however, the amount may be rounded down to the nearest number divisible by five.

Section 11. **SUBSEQUENT REFERENDUMS.** In the event any such referendum conducted as herein provided shall fail to receive the required number of affirmative votes from cotton producers eligible for participation and voting therein, then the certified commission conducting the said referendum shall be authorized to call another referendum for the purposes herein set forth in the next succeeding year, on the question of an assessment and promotional program for the period authorized by this act, provided no such referendum shall be held within a period of twelve months from the date on which the last referendum was held; and such commission shall call another statewide referendum for the purposes herein set forth after the expiration of ten years from the date on which the last such referendum failed to receive the required number of affirmative votes from cotton producers voting therein, and each ten years thereafter. In the event such referendum is carried or favored by the required number of eligible cotton producers participating therein and assessments in pursuance thereof are levied for the period set forth in the call for such referendum, then the commission conducting such referendum shall have full power and authority to call and conduct during, or after, the last year of such period another referendum in which the cotton producers shall vote upon the question of whether or not such assessments shall be continued or renewed for another period of time as authorized under this act. Any subsequent referendums as authorized hereunder shall be subject to all of the requirements as an original referendum conducted under the provisions of this act.

Section 12. **COLLECTION OF ASSESSMENTS.** In the event the required number of cotton producers approve, by a referendum as provided hereunder, the levying of an assessment upon the ginning of cotton for a promotional program, the commissioner of agriculture and industries shall, within thirty days, notify in writing every person engaged in the business of ginning cotton in Alabama that on or after the date designated in such notice, which shall not be less than thirty nor more than sixty days after the mailing of such notice by the commissioner of agriculture and industries, the amount of the assessment levied pursuant to the referendum shall be collected by all ginnermen of cotton when such cotton is ginned within the state.

For the purposes of this act, the word "ginner" shall mean any person, partnership, corporation or cooperative association, public or private, which gins cotton, whether for hire or for itself only.

On or before the fifteenth day after the completion of its ginning season, and in no event later than January 15 of each year, every ginner shall remit

all assessments collected pursuant to this act during the ginning season to the commissioner of agriculture and industries. If a ginner gins any cotton after January 15 in any year, then the assessment levied hereunder on such cotton shall be remitted to the commissioner of agriculture and industries not later than fifteen days after such ginning.

The books and records of all such ginnerers of cotton subject to the collection of assessments levied hereunder shall at all times during regular business hours be open for inspection by the commissioner of agriculture and industries or his duly authorized representatives or agents for the purpose of ascertaining the accuracy of amounts remitted hereunder. The commissioner of agriculture and industries shall be entitled to deduct three percent of all sums remitted to the department of agriculture and industries under this act to defray expenses incident to collection and administration thereof. The amount thus deducted by the commissioner for expenses incident to the administration of this act shall be paid into the state treasury to the credit of the agricultural fund.

**Section 13. ASSESSMENT FUNDS.** The commissioner of agriculture and industries shall remit to the treasurer of the certified commission all monies paid to or collected by him on a quarterly basis between the first and fifteenth of February, May, August and November of each year, less a commission of three percent of the total amount so collected which commission shall be deposited in the agricultural fund of the state treasury. The amount so remitted to the treasurer of the certified commission shall be used and expended by such commission for a promotional program in the manner provided in this act and the rules and regulations of the commission.

**Section 14. REFUND RIGHTS.** Any producer of cotton against whom any assessment is made and collected under authority of this act if dissatisfied with said assessment shall have the right to demand and receive from the treasurer of the certified commission a refund of the amount of the assessment collected from such cotton producer, provided such demand for refund is made in writing within thirty days from the date on which such assessment was collected by the ginner; provided, that application for refunds of amounts collected on any cotton ginned must give the name and address of the ginner who ginned the cotton, date of ginning, invoice or weight ticket number, if any, and the amount of cotton ginned for him on which the assessment was collected. Within thirty days after the first quarterly receipt of funds from the commissioner of agriculture and industries, and thereafter within thirty days after receipt of such application, the certified commission shall, after such commission determines that the assessment was paid as claimed in the application, refund the amount so paid as an assessment. The mailing by the commission of a valid check in the amount of such assessment, payable to the cotton producer, within thirty days after receipt of the application for refund, shall constitute a compliance with this section.

**Section 15. BOND REQUIRED.** Before any money is remitted by the commissioner of agriculture and industries to the treasurer of a commission as authorized under the provisions of this act, the treasurer of said commission shall furnish the commissioner a bond approved by the commissioner in the amount of not less than the estimated annual total amount of the assessments handled by such officer. The surety on said bond shall be a corporate surety company duly qualified and licensed to do business in Alabama and said bond shall be conditioned upon the faithful handling, proper accounting and properly authorized expenditure of all funds received and disbursed by the principal named in said bond.

Section 16. EXPENDITURE OF ASSESSMENTS. The funds derived from any assessments levied upon the ginning of cotton as authorized under this act shall be used and expended by the certified commission after such funds are remitted to it by the commissioner of agriculture and industries for the purpose of promoting and stimulating by advertising and other methods the increased use and sale of cotton and cotton products. Any funds expended by the certified commission not authorized by the promotional program previously approved shall be deemed as an unauthorized and illegal expenditure of such funds. All funds approved by the certified commission for expenditure for an approved promotional program for the cotton industry, as authorized under this act, are hereby appropriated for disbursement and expenditure by said certified commission to carry out any such approved promotional program or programs; and it shall not be necessary for the legislature to make any specific or general appropriation for such disbursements or expenditures nor shall such disbursements and expenditures be subject to the budget and allotment requirements of Title 41, Chapter 4, Article 4, Code of Alabama 1975, and such disbursements and expenditures shall not be restricted or subject to any other requirements for any general or special appropriations.

Section 17. JOINT PROGRAMS WITH OTHER STATES. Any certified commission may enter into agreements with like commissions, councils, boards or other agencies or non-profit associations of cotton growers of other states for the purpose of conducting a similar agricultural commodities promotional program jointly with such commissions, councils, boards or other agencies or non-profit associations of cotton growers in other states, and such certified commission shall be authorized to contribute a proportionate share of the cost and expense necessary for such a program.

Section 18. EXAMINATION AND AUDIT. The approved and certified commission receiving and disbursing funds as herein authorized shall within sixty days following the end of each calendar year, or within a period of sixty days following the close of their fiscal year, cause an audit of their books and accounts to be conducted by a certified public accountant disclosing receipts, disbursements, expenditures and other information pertinent thereto and a copy thereof shall be forwarded to the state board of agriculture and industries for inspection and review. The examiner of public accounts of the department of examiners of public accounts of the State of Alabama shall be authorized to audit, review and otherwise investigate the receipts and disbursements of such funds in the same manner that such duties are performed for examination and audits of agencies and departments of the State of Alabama. An examination or audit as herein required to be made and submitted to the state board of agriculture and industries shall be open to public inspection. Within ninety days following the close of the certified commission's fiscal year, if it has received any funds from assessments levied and collected pursuant to this act, such commission shall publish a duly verified statement in the publication of the certified commission showing the amount so received and collected and the amount or amounts spent for each project and item.

Section 19. RULES AND REGULATIONS. The state board of agriculture and industries is hereby authorized and empowered to adopt and promulgate rules and regulations to carry out the evident intent and purpose of this act which shall include the rules and regulations governing the holding of referendums as adopted by the certified commission, the collection, deposit, handling, withdrawal and disbursement of assessments collected



hereunder, and such other reasonable rules and regulations as may be necessary to effectuate the evident intent and purposes of this act. The certified commission authorized to conduct a promotional program as authorized under this act shall have a right to recommend such rules and regulations to the state board of agriculture and industries and upon receipt of such recommended rules and regulations said board shall meet within a period of not more than ninety days to consider their adoption. The certified commission shall be given at least ten days' notice in writing of any such meeting held for the purpose of adopting rules and regulations as authorized hereunder.

**Section 20. DUTIES OF COMMISSIONER: REVOCATION OF CERTIFICATION.** It shall be the duty of the commissioner of agriculture and industries through the facilities of the department of agriculture and industries to enforce and collect the assessment charges levied upon the ginning of cotton as set forth under the provisions of this act and to enforce the rules and regulations of the state board of agriculture and industries relative thereto. The state board of agriculture and industries shall have authority at any time to revoke or cancel any approval or certification of a commission in the event it finds that such commission is not carrying out its promotional program in accordance with the provisions of this act and rules and regulations promulgated thereunder. Before any certification may be revoked, the certified commission shall be given notice and an opportunity to be heard by the state board of agriculture and industries upon the question of whether its certification should be revoked.

**Section 21. GINNERS' PERMITS ISSUED UNDER SECTION 2-19-61, CODE OF ALABAMA 1975, ALSO CONDITIONED ON COMPLIANCE WITH THIS ACT.** In addition to all other prerequisites for holding a ginner's permit issued pursuant to Section 2-19-61, Code of Alabama 1975, the holding thereof shall also be conditioned upon compliance with the provisions of this act and rules and regulations duly adopted for carrying out the requirements of this act relative to the collection and remittance of assessments on the ginning of cotton in Alabama.

**Section 22. PENALTY.** (a) Any ginner of cotton who willfully fails or refuses to collect and pay to the commissioner of agriculture and industries any assessment required by this act to be so collected and remitted to the commissioner shall be guilty of a Class C misdemeanor. Any ginner of cotton who fails or refuses to allow the commissioner of agriculture and industries or his authorized agents and employees to inspect and review his books and records which disclose the bales of cotton he ginned for the purpose of ascertaining accuracy of amounts of assessments collected and remitted as required under this act shall also be guilty of a Class C misdemeanor.

(b) In addition to the above penalty and notwithstanding the existence of an adequate remedy, the circuit court or any judge thereof, shall have jurisdiction for cause shown to grant a temporary or permanent injunction, or both, restraining and enjoining any person from violating any provision or requirement of this act. Actions for injunctive relief as authorized hereunder shall be filed in the name of the commissioner of agriculture and industries in the circuit court or other court of like jurisdiction in the county of residence of the person who gins cotton in violation of the provisions of this act or in the county where such violation occurs. Any restraining order or injunction issued hereunder shall be issued without a bond.

**Section 23. SEVERABILITY.** The provisions of this act are severable, if any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

REGULAR SESSION  
19th Day

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Section 24. REPEAL OF CONFLICTING LAWS. All laws or parts of laws in conflict with this act are hereby expressly repealed.

Section 25. EFFECTIVE DATE. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Parsons
Bailey	Gulledge	Lemaster	St. John
Barron	Hall	Little	Smith
Callahan	Higginbotham	Martin	Taylor
deGraffenried	Holmes	McDonald	Teague
Denton	Keener	Mitchem	Vacca

—23

*Nays:* —0

And said Bill, S. B. 549, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Pearson
Bailey	Hall	Martin	Smith
Barron	Higginbotham	McDonald	Taylor
Callahan	Holmes	Miller	Teague
Denton	Keener	Mitchem	Vacca
Goodwin	Kirkland		

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*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Pegues, Cosby, Williams, Edwards, Willis, Crow, Smith (J), Bowling, Rains, Carothers, Adams (H), Dial and Shoemaker:

H. 742. To provide labeling requirements and marketing procedures for products containing honey; and to provide penalties for violation.

Also:

By Reps. Boles, Payne, Trammell, Mitchell, Cooley, Harvey, Kelley, Rains, Letson, Patton, Brakefield, Stout, Riddick, Cobb, Drinkard, Hall, Shoemaker, Harper (O), Reed, Laird, Grimsley, Warren, Stewart and Edwards:

H. 464. To provide for the issuance of distinctive license plates to the recipients of the Medal of Honor or Prisoners of War.

Also:

By Rep. Dixon:

H. 657. To amend Section 34-9-7, Section 34-9-9, Section 34-9-18, Section 34-9-19, Section 34-9-20, Section 34-9-42 and Section 34-9-43, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

Also:

By Rep. Cosby:

H. 662. To amend section 41-16-51, Code of Alabama 1975, as amended, relating to competitive bids so as to exempt purchases of Local Housing Authorities organized under Chapter 1, Title 24, Code of Alabama 1975, from monies other than those raised by state, county or city taxation or received through appropriations from state, county or city sources.

Also:

By Rep. Adams (C):

H. 60. To amend Section 23-1-41 of the Code of Alabama 1975 which provides for insurance to employees of the state highway department who may be killed or injured in the line and scope of their employment so as to provide for a self-insurance program for such employees; to provide for administration of such program with state highway department personnel; to provide for the financing of such program with highway department funds; to provide for retroactive effect to February 1, 1980 and to provide that any reinsurance policies in effect on the effective date of this Act shall continue in force until September 30, 1981.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 742. To the Committee on Commerce, Transportation, and Utilities.

H. B. 464. To the Committee on Governmental Affairs.

H. B. 657. To the Committee on Health and Welfare.

H. B.'s 662 and 60. To the Committee on Finance and Taxation.

#### MOTION TO ADJOURN

Mr. Keener moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 16, 1981, at 12 o'clock Noon, which motion was adopted.

FURTHER CONSIDERATION OF S. B. 46

The Senate proceeded to further consideration of the Bill, S. B. 46.

On motion of Mr. Vacca, further consideration of the Bill, S. B. 46, was postponed until the next Legislative Day as Unfinished Business.

BILLS ON THIRD READING RESUMED

The Bill:

S. 299. To amend Section 11-50-15, Code of Alabama, 1975, to authorize an increase in the fees paid to directors of public corporations operating water systems, gas systems, electric systems or combinations of such systems; establishing an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Pearson
Barron	Hall	Martin	Robertson
Britnell	Higginbotham	Miller	St. John
Cook	Holmes	Mitchem	Taylor
deGraffenried	Keener	Parsons	White
Goodwin	Kirkland		

—21

*Nays:* —0

MOTION IN WRITING

Mr. Teague offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 406, on page 48 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 406, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Whatley:

H. 73. To amend section 2-30-42 of the Code of Alabama 1975 which relates to the Alabama experiment station system, so as to provide for Sub-agricultural experiment stations; to provide for distribution procedures of any appropriations made for maintenance and operation of the experiment station system or of the Sub-agricultural experiment stations; and to repeal sections 2-30-60, 2-30-61, and 2-30-62 of the Code of Alabama 1975 which relate to the central artificial insemination unit.

Also:

By Rep. Cabaniss:

H. 237. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

Also:

By Reps. Ward, Whatley, Grimsley, McMillan, Starkey, Letson, Zoghby, Brakefield, Turner, Minus and Daniels:

H. 553. This bill provides for the abolishment of the Modular Housing Division of the Alabama Development Office and transfer of all of the personnel, funds, appropriations, papers, documents, files, materials, equipment, supplies, duties, responsibilities and other effects of the Modular Housing Division of the Alabama Development Office to the office of the Alabama State Fire Marshal, a division of the Alabama Insurance Department.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 73. To the Committee on Finance and Taxation.

H. B. 237. To the Committee on Banking and Insurance.

H. B. 553. To the Committee on Governmental Affairs.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Stewart, Parker, Harper (T), Penry, Zoghby, Turner, McMillan, Bedsole and Kennedy:

H. 349. To control the movement of railroads, trucks, ships, barges and airplanes to and from any area under an evacuation alert because of rising water, the approach of a hurricane or other natural disaster.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 349. To the Committee on Commerce, Transportation, and Utilities.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor with the date and hour of delivery, to-wit:

S. B. 284.

Delivered to the Governor, March 31, 1981, at 2:00 P. M.

S. B. 150.

S. B. 331.

S. J. R. 100

S. J. R. 109.

S. J. R. 110.

S. J. R. 114.

S. J. R. 115.

Delivered to the Governor, March 31, 1981, at 5:10 P. M.

S. J. R. 93.

S. J. R. 94.

S. J. R. 95.

S. J. R. 103.

S. J. R. 104.

S. J. R. 105.

S. J. R. 106.

S. J. R. 107.

Delivered to the Governor, April 7, 1981, at 2:15 P. M.

S. B. 152.

S. B. 281.

S. J. R. 120.

S. B. 263.

S. B. 463.

S. J. R. 124.

S. J. R. 125.

Delivered to the Governor, April 8, 1981, at 2:35 P. M.

S. B. 112.

Delivered to the Governor, April 14, 1981, at 2:30 P. M.

MCDOWELL LEE,  
Secretary.

## SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

## ADJOURNMENT

At 5:07 P. M., on motion of Mr. Proctor, in accordance with motion heretofore adopted, and pending further consideration of the Bill, S. B. 46, the Senate adjourned until Thursday, April 16, 1981, at 12 o'clock Noon.

Yeas 21; Nays 5.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Robertson	
Britnell	Hall	Little	St. John	
Cook	Harrison	Miller	Taylor	
Figures	Higginbotham	Mitchem	Vacca	
Glass	Hilliard	Proctor	Weeks	
Goodwin	Keener			—21

*Nays:*

Messrs.:	Barron	Holmes	Parsons	
Bailey	deGraffenried			—5

## TWENTIETH LEGISLATIVE DAY

THURSDAY, APRIL 16, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Julian Talley, Minister, First Independant Methodist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Vacca
deGraffenried	Hilliard	Mitchem	Weeks
Denton	Holmes	Parsons	White
Figures	Keener	Pearson	

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## JOURNAL

On motion of Mr. Cook, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Nineteenth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Cook, leave of absence was granted Mr. Teague for today.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:



S. J. R. 129. COMMENDING MRS. DARLENE F. PATTON,  
PROMINENT ONEONTA PHARMACIST AND CIVIC LEADER.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 331. To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain preschool programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed, and provide further for the operation of said child care facilities.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 32. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in

fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

Also:

H. 331. To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain preschool programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed, and provide further for the operation of said child care facilities.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Amari, Bennett, Adams (H), Bowling, Brakefield, Carter, Cheatwood, Clark (W), Cooley, Crow, Dixon, Drinkard, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Holley, Howard, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Naramore, Olive, Parker, Penry, Rains, Roberts, Seibels, Shavers, Smith (C), Stout, Turner, Waggoner, Warren, Willis and Wyatt.

H. J. R. 247. COMMENDING STATE EMPLOYEES FOR THEIR LOYAL SERVICE.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Taylor, the Rules were suspended and the Resolution, H. J. R. 247, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Penry and McMillan.

H. J. R. 252. COMMENDING MR. HENRY LEGRONE FOR OUTSTANDING SERVICE IN SCOUTING.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Gulledge, the Rules were suspended and the Resolution, H. J. R. 252, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Smith (J), Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson,

Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 243. EXPRESSING ALABAMA'S TREMENDOUS PRIDE IN THE SUCCESSFUL FLIGHT OF COLUMBIA AND COMMENDING ITS CREW AND NASA.

WHEREAS, in historical love of heroes and time-honored spirit of "America first," the American people now have both, in full measure, in the successful launch, flight and safe return of the space shuttle, Columbia, and in its courageous crew of two, John Young and Robert Crippen; and

WHEREAS, idle in space exploration since 1975, the United States has once again proved to its people and to the world that American technology is second to none; the flight of the Columbia has truly opened up a new world of unlimited possibility for space exploration and for future benefits to all mankind; and

WHEREAS, in maiden flight aboard the world's first reflyable spaceship, Astronauts John Young and Robert Crippen have rekindled the patriotism and national pride of a people who first placed men on the moon; and

WHEREAS, no less to be commended and honored are the dedicated men and women of the National Aeronautics and Space Administration who, in unity of purpose and devoted solidarity, made possible the flight of the Columbia which is historic in impact, spectacular in its success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we stand in tribute to Astronauts John Young and Robert Crippen, offering grateful appreciation also to the National Aeronautics and Space Administration for America's new triumph in space.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Astronauts Crippen and Young, and to the officials of NASA, in grateful acknowledgement of their great and glorious achievement.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Smith, the Rules were suspended and the Resolution, H. J. R. 243, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Holmes, Langford, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Brakefield, Buskey, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Escott, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Olive, Parker, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (M), Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams and Wyatt:

H. J. R. 239. MOURNING THE DEATH OF FORMER WORLD HEAVYWEIGHT CHAMPION, JOE LOUIS.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 239, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 197. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

Also:

S. J. R. 119. CONGRATULATING THE UNIVERSITY OF ALABAMA AT HUNTSVILLE, NAIA BASKETBALL FINALISTS.

Also:

S. J. R. 121. CREATING A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES.

Also:

S. 310. To provide for health insurance claim forms; requiring the State Insurance Commissioner to prescribe standard health insurance claim forms to be used by hospitals; requiring acceptance of such forms by insurers doing business in the State of Alabama; requiring the use of such forms by those agencies of the state which pay providers of health care for hospital and physicians' services.

Also:

S. 29. To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of a hotel owner, to require hotel owners to install and maintain smoke detectors in their rooms, to further provide for criminal penalties for removing said smoke detectors.

Also:

S. 204. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, and pistol, and such other personal equipment as the department may designate upon their retirement.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions the titles of which are set out in the foregoing report from the Committee on Rules.

#### RESOLUTION

Messrs. Miller, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 138. EXTENDING BIRTHDAY WISHES TO OUR FRIEND REBECCA CARSON.

Which was adopted.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Greer, Goodwin, Coburn, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McCorquodale, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 244. MOURNING THE DEATH OF MRS. BESSIE PEARL STARKEY OF FLORENCE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Denton, the Rules were suspended and the Resolution, H. J. R. 244, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Venable and Johnson (R. G.):

H. J. R. 194. DESIGNATING THAT PORTION OF ALABAMA HIGHWAY 9, BETWEEN ITS JUNCTION WITH U.S. 231 AT WETUMPKA IN ELMORE COUNTY TO ITS JUNCTION WITH U.S. 280 AT SOCAPATTOY IN COOSA COUNTY, AS THE "OLD CENTRAL PLANK ROAD."

WHEREAS, significant in our state's history, as a pioneer venture in highway construction, were a number of toll roads chartered by the Alabama Legislature during the 1849-50 Session; and

WHEREAS, one such historic road was originally projected to run from Montgomery to Guntersville and thus continue connection between the waters of Mobile Bay and the Coosa and Tennessee Rivers; and

WHEREAS, though never brought to completion, some sixty miles of roadway were constructed of planks, piles and corduroy logs, and came to be known as "Central Plank Road"; portions of this historic road were found during construction of Alabama's present Highway 9; and

WHEREAS, the "plank" method was soon abandoned, however, when it became evident that the cost of construction, maintenance and upkeep far exceeded income derived from tolls charged by the roads' private builders and promoters; and

WHEREAS, though the last vestige of Alabama's plank roads has long since disappeared, it is fitting that we acknowledge, through appropriate designation, this historical phase in our state's road-building history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of Alabama Highway 9, from its junction with U.S. 231 at Wetumpka in Elmore County to its junction with U.S. 280 at Socapatoy in Coosa County, as the "Old Central Plank Road."

BE IT FURTHER RESOLVED, That appropriate signs and markers shall be erected and maintained so designating said portion of highway as the "Old Central Plank Road."

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Harrison, the Rules were suspended and the Resolution, H. J. R. 194, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 116. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

JOHN PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Goodwin, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 116, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE AMENDMENT TO S. B. 116

Amend Senate Bill 116, Section 1, Page 4, beginning on line 15 after the word "acquire" and the comma, by inserting by eminent domain and otherwise,

On page 4, line 23, after word "lease" and the comma, by inserting eminent domain proceedings

On page 4, line 34, after the word "lease" and the comma, by inserting eminent domain proceedings



On page 5, line 10, after the word "lease" and the comma, by inserting eminent domain proceedings

Further amend the bill, page 6, immediately following line 10, by adding the following and renumbering the remaining subsections accordingly.

"(21) To exercise the power of eminent domain in the manner and subject to the provisions of Title 18 of this Code with respect to any property, real, personal or mixed, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivisions, including air space, navigation easements, structures and obstructions to flights and property already devoted to public use, that may be reasonably necessary for the construction, extension, maintenance, operation, protection, enlargement, improvement or preservation of an airport or airport facility, or sanitary or storm sewage systems or water, electric and gas systems, upon, adjacent to, in connection with or in furtherance of the use of any airport, heliport or aircraft landing area or other properties owned or operated by the authority;

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Martin	Smith	
Cook	Holmes	McDonald	Taylor	
deGraffenried	Keener	Miller	Vacca	
Denton	Lemaster	Mitchem	Weeks	
Goodwin	Little	Robertson		—18

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bennett and Seibels:

H. J. R. 232. EXPRESSING SUPPORT FOR FORMER FBI OFFICIALS.

WHEREAS, During the early 1970s a group of radical terrorists who embraced the overthrow of the United States government known as the Weathermen claimed responsibility for a series of explosions in public buildings protesting American foreign policy, and

WHEREAS, Over 50 such bombings credited to the Weathermen rocked public facilities including the U.S. Capitol, the Pentagon, the State Department and a number of university buildings from California to Massachusetts killing two persons and causing numerous injuries and millions of dollars in property damage, and

WHEREAS, For their efforts to infiltrate the underground organization, W. Mark Felt and Edward S. Miller, the Federal Bureau of Investigation's former number 2 and 3 men, were charged four years later with ordering illegal searches of the homes of known Weathermen associates, and

WHEREAS, At the time of the investigations in 1972 and 1973, FBI policy authorized such searches, and

WHEREAS, The Justice Department charges against Felt and Miller were not brought until after new rules were adopted in 1976 and 1980 requiring prior approval of the Attorney General and later the President, and

WHEREAS, Both Felt and Miller were found guilty of conspiracy on November 6, 1980 which case is now on appeal, and

WHEREAS, The FBI has had authority to conduct national security investigations since Franklin Roosevelt directed the agency to find Nazi spies in 1939, and

WHEREAS, While Felt and Miller were charged, the man who authorized them to order such searches, former FBI Director Patrick Gray, has been cleared; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it finds the *expo facto* treatment of Felt and Miller by the Justice Department contrary to recognized judicial procedure and not in the best interest of justice, and

BE IT FURTHER RESOLVED that President Reagan is hereby requested to take whatever steps are deemed necessary to clear the names of the two former FBI officials including a possible presidential pardon.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 232, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### RESOLUTION

Mr. White offered the following Senate Joint Resolution, to-wit:

S. J. R. 139. COMMENDING PRESIDENT RONALD REAGAN FOR HIS PRESIDENTIAL PARDON OF W. MARK FELT AND EDWARD S. MILLER.

WHEREAS, inconceivably to the members of this body and to all loyal Americans, former F.B.I. agents, W. Mark Felt and Edward S. Miller, were convicted in 1980 on charges of conspiring to violate civil rights; and

WHEREAS, in fact, agents Felt and Miller clearly acted in the best interest of our country in authorizing warrantless searches of the homes of members, supporters and relatives of the Weather Underground Organization, a group of radical terrorists responsible for over fifty bombings including bombings of the United States Capitol Building, the Pentagon and the State Department; and

WHEREAS, terrorists of the WUO were known to have worked in close collaboration with Cuba, North Vietnam and the Viet Cong and these radicals also were known to have been trained in guerilla tactics in Cuba by those under direct control of the Soviet KGB; and

WHEREAS, as a result of delays on the part of our government, it was several years, from indictment, before Agents Felt and Miller were found "guilty"; this long ordeal resulted in legal costs in excess of one million dollars for the defendants and it cost the American taxpayers an estimated \$30 million; and

WHEREAS, it is extremely doubtful that two loyal Americans, such as Mr. Felt and Mr. Miller, would have ever been found guilty had it not been for judicial error in charging and instructing the jury under regulations promulgated in 1976 and 1980 for action undertaken in 1972 and 1973 and in accordance with accepted procedures at that time; and

WHEREAS, our hearts have at least been gladdened and filled with pride by the action of our President on March 26, 1981, who granted unconditional pardon to two Americans who, for decades, faithfully served and defended our nation against attack from within by those who would destroy our freedom and even our very lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That hereby, in gratitude and jubilation, we most highly commend our President of the United States, Ronald Reagan, for his Presidential Pardon of W. Mark Felt and Edward S. Miller.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to notify President Reagan, by copy of this resolution, of the Alabama Legislature's sincere praise and heartfelt concurrence in his courageous and patriotic decision.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carothers:

H. J. R. 254. CREATING A CONTINUING SELECT JOINT NUCLEAR ENERGY ACTIVITIES AND HAZARDOUS CHEMICAL TOXIC WASTE OVERSIGHT COMMITTEE.

WHEREAS, there are four nuclear reactors operating in the state at present; two nuclear reactors are scheduled to begin commercial operation in 1981; one nuclear reactor is scheduled to begin commercial operation in 1982; and two nuclear reactors located on the Alabama/Mississippi line are scheduled to begin commercial operation in 1985 and 1986; and

WHEREAS, a nuclear fuel fabricating plant which will make Uranium pellets for fuel from Uranium Hexafluoride is scheduled to begin commercial operation in 1983 in Prattville; and

WHEREAS, pursuant to legislation passed by the Congress requiring each state to take responsibility for disposing of its low-level radioactive waste, Alabama has joined eight other Southeastern states in a tentative agreement to form a compact to handle disposal of low-level radioactive waste; and

WHEREAS, the largest Nuclear Medicine facility in the United States is located at the University of Alabama Hospital in Birmingham; and

WHEREAS, there are many problems which were brought to the attention of the Committee during the last interim concerning hazardous chemical toxic waste; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing Select Joint Nuclear Energy Activities and Hazardous Chemical Toxic Waste Oversight Committee.

BE IT FURTHER RESOLVED, That said Committee is to be composed eleven (11) members: Chairman of the House Health Committee and Chairman of the Senate Health and Welfare Committee; five (5) members of the House Health Committee appointed by the Chairman and four (4) members of the Senate Health and Welfare Committee appointed by the Chairman. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall oversee all facets of nuclear energy activities and hazardous waste with particular emphasis focused on low-level radioactive waste and hazardous chemical toxic waste disposal.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1982 Regular Session and each regular session thereafter.

Each member of the committee shall be entitled to his/her regular legislative compensation, his/her per diem and travel expenses for each day he/she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session but they shall receive their travel expenses when travelling upon the business of the committee and the total expenses of the committee shall not exceed seven thousand dollars (\$7,000.00) per year.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 254, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carothers:

H. J. R. 255. APPROPRIATING FUNDS TO THE CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS ESTABLISHED BY ACT NO. 79-816 OF THE 1979 REGULAR SESSION OF THE LEGISLATURE.

WHEREAS, funding will be needed to continue the duties and functions of the continuing select joint committee to study the rising cost to the state of the medicaid programs; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby appropriated out

of funds appropriated to the use of the legislature, \$7,000.00 to the continuing select joint committee to study the rising cost to the state of the medicaid programs established by Act. No. 79-816 of the 1979 Regular Session of the Legislature.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 255, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### RESOLUTION

Messrs. Proctor, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 140. EXPRESSING APPRECIATION OF THE SENATE TO JOHN LESTER AND BILL CARSON.

Which was adopted.

### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 228. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

The Standing Committee on Rules reported the following substitute for the Resolution, H J. R. 228, to-wit:

### SUBSTITUTE FOR H. J. R. 228

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Wednesday, April 8, we adjourn to meet again on Tuesday, April 14, we adjourn to meet again on Thursday, April 16; when we adjourn on Thursday, April 16, we adjourn to meet again on Tuesday, April 21; when we adjourn on Tuesday, April 21, we adjourn to meet again on Wednesday, April 22; when we adjourn on Wednesday, April 22, we adjourn to meet again on Thursday, April 23; all dates hereinabove stated being in the year 1981.

Which was adopted.

And on motion of Mr. McDonald, said Resolution, H. J. R. 228, as thus amended by the substitute, was then concurred in and adopted by the Senate.

LOCAL BILLS ON THIRD READING

The Bill:

S. 509. Relating to Blount County; providing for the method of electing the county superintendent of education.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	St. John
Bailey	Goodwin	Martin	Smith
Barron	Hall	McDonald	Taylor
Britnell	Hilliard	Mitchem	Vacca
Cook	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures	Kirkland		
			—25

*Nays:* —0

The Bill:

H. 648. Relating to Coosa County; enuniciating legislative intent; providing for an increase court costs and providing for the disposition of the proceeds from the increase.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	St. John
Bailey	Glass	Martin	Smith
Barron	Goodwin	Miller	Vacca
Britnell	Hall	Mitchem	Weeks
Callahan	Hilliard	Parsons	White
Cook	Holmes	Proctor	
Denton	Keener		
			—25

*Nays:* —0

The Bill:

H. 649. Relating to Coosa County; providing further for the issuance of pistol permits by the sheriff, the fees therefor and the use of such fees; repealing specifically Act No. 121, H. 22 of the 1971 Regular Session (Act 1971, p. 204), as amended, entitled, "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census; fixing the fees for issuance of pistol permits by the sheriff and providing for distribution and use of such fees," and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	St. John	
Bailey	Glass	Martin	Smith	
Barron	Goodwin	Miller	Taylor	
Britnell	Hall	Mitchem	Vacca	
Callahan	Hilliard	Parsons	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

*Nays:* —0

The Bill:

H. 650. To provide that the county commission of Coosa County shall pay all deputy sheriffs a starting salary of \$900.00 per month. The chief deputy shall be entitled to a salary of not less than \$75.00 per month more than a deputy. A sergeant will draw \$30.00 per month more than a deputy.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	St. John	
Bailey	Goodwin	Little	Smith	
Barron	Gulledge	Martin	Taylor	
Britnell	Hall	Miller	Vacca	
Cook	Hilliard	Parsons	Weeks	
Denton	Holmes	Proctor	White	
Figures	Keener			—25

*Nays:* —0

The Bill:

H. 714. Proposing an Amendment to the Constitution of 1901 relating to the City of Alabaster in Shelby County; authorizing the municipal governing body to levy an additional ad valorem tax.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	St. John	
Bailey	Goodwin	Martin	Smith	
Barron	Gulledge	Miller	Taylor	
Britnell	Hall	Mitchem	Vacca	
Cook	Hilliard	Parsons	Weeks	
Denton	Holmes	Proctor	White	
Figures	Keener			—25

*Nays:* —0

The Bill:

H. 721. Relating to Winston County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the

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re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Little	St. John
Barron	Goodwin	Martin	Taylor
Britnell	Hall	Miller	Vacca
Callahan	Hilliard	Parsons	Weeks
Cook	Holmes	Pearson	White
Denton	Keener		

—25

*Nays:* —0

The Bill:

H. 840. To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

was read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining 2.

*Yeas:*

Messrs.:	Hall	McDonald	St. John
Bailey	Hilliard	Miller	Smith
Barron	Holmes	Mitchem	Taylor
Callahan	Keener	Parsons	Vacca
Figures	Kirkland	Pearson	Weeks
Glass	Lemaster	Proctor	White
Gulledge	Little		

—25

*Nays:* —0

*Abstaining:* Messrs.: Harrison and Martin. —2

REPORT OF COMMITTEES

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 424. To amend Section 2-22-9, Code of Alabama 1975, relating to the collection of inspection fees for commercial fertilizer; to allow the State Board of Agriculture and Industries to set the inspection fee at an amount no greater than \$.50 per ton.



By Mr. Mitchem:

S. 501. To amend Section 2-3A-7, Code of Alabama 1975, to authorize the Alabama Agricultural Development Authority to invest its funds in additional ways.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Smith (C), Whatley and Letson (With Amendment):

H. 473. To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 327 relating to the promotion of production, research and development of swine and swine products so as to provide for a change in the assessment and assessment limits to be levied for such promotion.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Letson, Cooley, Roberts, Blake, Shoemaker, Smith (C), Williams and Johnson (R.G.) (With Amendment):

H. 474. To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 315 relating to the promotion of production, distribution, improvement, marketing, use and sale of soybeans and soybean products so as to provide for a change in the assessment limits to be levied for such promotion.

The above Bill was read a second time at length as required by the Constitution.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Penry, Letson, Bedsole, Warren and Harper (T):

H. 527. To license and regulate grain dealers under the State Department of Agriculture and Industries; to require posting of bonds by dealers for the benefit of producers; to provide for inspection and investigation of grain dealers' operations and provide for hearings and suspension or revocation of grain dealers' licenses.

By Reps. McMillan, Penry, Hines, Turner, Stewart, Parker, Cosby, Mitchell, Cheatwood, Cobb, Zoghby, Bedsole and Harper (T):

H. 585. To provide that certain vehicles may not be operated on the beaches and sand dunes on the Gulf of Mexico along the southern boundary of the State of Alabama; prescribing penalties.

By Mr. McDonald:

S. 588. Relating to franchise agreements between retailers engaged in the business of selling and retailing farm implements, machinery, utility and

industrial equipment, attachment or repair parts, and wholesalers, manufacturers or distributors therefor; requiring repurchase of certain inventory, stock and equipment from such retailers upon termination of a contract between the retailer and wholesalers, manufacturers, or distributors, as the case may be; providing procedures for such repurchase; establishing limitations and rights upon such repurchase; providing civil liability for failure to repurchase; extending the right to require repurchase option to the heirs of retailers; providing for warranty claims; providing for contractual rights and indemnification; providing for auditing and prescribing time limits therefor and for collections.

Mr. Callahan, Vice Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lemaster:

S. 367. To provide for a discount of 2.2% on monthly electrical bills for residential use for those people who are served electricity by corporations organized under Chapters 5, 6 and 7 of Title 37, Code of Alabama 1975, provided those people are 62 years of age or older or if they are totally disabled, and to provide a means by which those people qualified may receive such discount.

By Mr. Teague:

S. 540. To amend Section 23 of the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980 now appearing as §28-3A-23, Code of Alabama 1975, by deleting the residence requirements relating to wholesale licenses.

By Mr. Teague:

S. 541. To amend Section 28-4-287, Code of Alabama 1975, to prohibit any defendant or claimant who has been convicted of violating any prohibition law of this state within the last five years or any claimant or defendant who owned a vehicle which has been condemned within the last five years from executing a bond to retain possession of the vehicle pending the trial court ruling.

By Messrs. Teague and Proctor:

S. 562. To amend §22-24-5, Code of Alabama 1975, as relates to the water well driller's license fee.

By Messrs. Vacca, Teague, Goodwin, Parsons, Holmes, Proctor, Callahan, St. John, Little, Keener, Cook and Martin.

S. 564. To amend Section 32-6-51, Code of Alabama 1975, which provides for the display of motor vehicle license plates, so as to require said plates on the front of the motor vehicle and provides for an effective date.

By Rep. Clark (G):

H. 503. To promulgate "The Motor Vehicle Franchise Act" in order to provide for the regulation of motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or

wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

By Rep. Turner, et al:

H. 542. Relating to sales and use taxes; amending Sections 40-23-1 and 40-23-4, Code of Alabama 1975, so as to further define the term "wholesale sale or sale at wholesale" as it relates to certain tangible personal property or products and to exempt the gross receipts on the sale of wood residue.

By Reps. Pegues, Cosby, Williams, Edwards, Willis, Crow, Smith (J), Bowling, Rains, Carothers, Adams (H), Dial and Shoemaker:

H. 742. To provide labeling requirements and marketing procedures for products containing honey; and to provide penalties for violation.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener:

S. 63. To amend Section 37-3-31 relating to Public Service Commission appropriations and Section 37-3-32 increasing the registration fees of motor carrier vehicles.

By Mr. St. John:

S. 67. To further amend Section 4 of Act No. 551, H. 321, Regular Session 1967 (Acts 1967, Vol. II, p. 1300), as amended, relating to the Alabama State Council on the Arts and Humanities so as to bring the employees of such Council under the provisions of the Merit System and State Employees' Retirement System.

By Mr. Hilliard:

S. 532. To exempt the Birmingham-Jefferson County Transit Authority from the duty to pay state, county, and municipal taxes.

By Mr. Hilliard:

S. 515. To amend Section 40-17-78, Code of Alabama 1975, which provides for the distribution of proceeds from gasoline taxes, so as to provide further for said distribution.

By Messrs. Kirkland, Barron, Robertson, Proctor, Glass, Parsons, White, Cook and Teague:

S. 333. To amend Section 32-6-65, Code of Alabama 1975, as amended, which relates to penalties for late purchase of auto license tags, so as to alter said penalties.

By Mr. Britnell:

S. 361. To further amend Section 40-9-19, Code of Alabama 1975, which provides for a homestead exemption from ad valorem taxation for certain single-family owner-occupied residential property, so as to provide, effective retroactively to October 1, 1980, that such exemption shall apply if such property is used primarily as a residence, even though a portion thereof is used for commercial purposes.

By Rep. Boles, et al:

H. 409. To create and establish a state land resources information center within the Legislative Fiscal Office; to prescribe certain data and information to be compiled by such center and to provide for the administration of such center.

By Messrs. Barron and Robertson:

S. 557. To exempt the National Multiple Sclerosis Society from the payment of all state, county and municipal sales and use taxes.

By Rep. Owens:

H. 383. To amend Section 40-9-19 of the Code of Alabama 1975, as amended by Act 80-731 of the 1980 Regular Session of the Alabama Legislature relating to homestead exemptions for ad valorem tax purposes for persons 65 years of age or older and disabled or blind so as to prescribe further the amount of exemption.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson (With Substitute):

S. 525. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 553. To make appropriations for the support and maintenance of the Tuskegee Institute.

By Mr. Pearson:

S. 534. To make appropriations for the support and maintenance of the Marion Military Institute.

By Mr. Pearson:

S. 535. To make appropriations for the support and maintenance of the Talladega College.

By Mr. Pearson:

S. 536. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

By Mr. Pearson:

S. 537. To make appropriations for the support and maintenance of the Walker County Junior College.

By Rep. Manley, et al:

H. 489. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15; 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Higginbotham and Little (with notice and proof):

S. 602. Relating to Lee County; providing an expense allowance for the coroner.

By Rep. Turner (with notice and proof):

H. 712. Relating to Washington County; providing further for the compensation of the county superintendent of education.

By Rep. Turner:

H. 735. To repeal Act No. 83, H. 114, 1963 Regular Session (Acts 1963, p. 463), as amended, and Act No. 333, H. 918, 1973 Regular Session (Acts 1973, p. 476), which provide for the compensation of the county superintendent of education in counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census.

By Rep. Turner:

H. 782. To provide for a certain road construction and improvement program in Washington County by imposing a certain additional fee on the cost of motor vehicle licenses issued in said county; to prescribe a certain schedule for such program with priorities to be determined by the county

commission; to give said commission broad discretion as to plans for financing such program; to provide that such additional fee shall cease to be collected upon completion of such program and to provide that this Act shall become effective upon referendum approval by the electors of the county of such program.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Turner (With Amendment):

H. 783. To propose an amendment to the Constitution of Alabama of 1901 relating to road bonds for Washington County.

The above Bill was read a second time at length as required by the Constitution.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Cosby, Edwards and Pegues (with notice and proof):

H. 812. Relating to Dallas County; to provide that the Probate Judge shall not receive or record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

By Rep. Penry (with notice and proof):

H. 848. To provide for a supplemental salary payable out of the Baldwin County General Fund, the annual sum of Six Thousand Dollars (\$6000.00) per year to all circuit judges and Fifty Four Hundred Dollars (\$5400.00) per year for all district judges, serving within the 28th Judicial Circuit of Alabama.

By Rep. Cosby (with notice and proof):

H. 869. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Billingsley in Autauga County.

By Rep. Edwards (with notice and proof):

H. 875. Relating to Wilcox County; to amend Section 1 of Act No. 1447, S. 962, of the Regular Session of 1971 (Acts 1971, p. 2471), relating to the compensation of the board of registrars, so as to provide further for such compensation for the period of time from January 1, 1977, through September 30, 1980; and to provide for retroactive effect for such period of time.

By Rep. Turner (with notice and proof):

H. 886. Relating to Washington County; to amend Act No. 80-274, H. 730, 1980 Regular Session of the Alabama Legislature (Acts of 1980, p. 362), which prohibited the hunting of unantlered deer, so as to grant the Department of Conservation and Natural Resources the power to permit the hunting of unantlered deer within designated areas where in the opinion of the Commissioner of Conservation it is necessary for game management purposes.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Parsons:

S. 111. Proposing an amendment to the constitution of Alabama 1901 so as to abolish the Jefferson County judicial commission and provide further for filling vacancies in the office of judge of the circuit court in the tenth judicial circuit.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Vacca (with notice and proof):

S. 265. Relating to Jefferson County; providing further for the benefits and compensation of any mayor of a municipality in the county who serves as superintendent of certain utility systems that are owned by municipal corporations and providing for its retroactive effect.

By Rep. Moore (with notice and proof):

H. 667. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Leeds, in Jefferson County.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Higginbotham, St. John, Martin, Callahan, Barron, Goodwin, Mitchem and Vacca (With Substitute):

S. 336. Proposing an amendment to the Constitution of Alabama relating to the prohibition of legal action by employees covered under workmen's compensation laws against co-employees; and defining co-employees.

The above Bill was read a second time at length as required by the Constitution.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Cook and Parsons:

S. 433. To transfer any appropriations, powers and duties, as prescribed by Title 25, Chapter 8, of the Code of Alabama 1975, heretofore under the jurisdiction of the department of industrial relations to the department of labor under the direction of the commissioner of labor.

By Mr. Callahan:

S. 408. To amend Sections 34-8-2, 34-8-4, and 34-8-5, Code of Alabama 1975, which relate to the licensing and regulation of general contractors, so as to provide further for said licensing.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cook (With Amendment):

S. 591. To provide that legislative personnel shall receive all salary increases provided for state employees listed in the classified and unclassified service of the State of Alabama.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Denton:

S. 598. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this act.

By Rep. Owens:

H. 151. To amend Section 4-2-31, Code of Alabama 1975, which relates to the organization of the Aeronautics Commission, so as to change the provision for monthly meetings to quarterly meetings.

By Reps. Roberts and Carter:

H. 359. To provide for and regulate the sale, use, distribution and manufacture of certain fireworks; to provide for permits to be issued by the state fire marshal; to specifically prohibit certain fireworks and to define certain terms relating to fireworks and explosives; to prescribe penalties for violation of this Act; and to repeal Sections 13A-11-100 through 13A-11-105, Code of Alabama 1975, relating to fireworks.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Drinkard (With Amendment):

H. 374. To amend Section 25-4-146, Code of Alabama 1975, relating to the police powers of certain employees of the department of industrial relations so as to extend their power to the enforcement of all criminal laws of the state as they relate to the interests of the department of industrial relations.



By Rep. Smith (M) et al (With Amendment):

H. 512. To change the name of the capitol security officers to state capitol police officers, to provide for the powers, duties, and jurisdiction of state capitol police officers, to provide that state capitol police officers shall be provided a uniform of a type and color as prescribed by the director of finance, and to provide that the state department of finance is authorized to insure state capitol police officers against personal injury or death while discharging their duties.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Biddle (With Substitute)(With Amendment):

H. 651. Prohibiting any public water supply system, supplying three or more municipalities, and operating from the site of its principal place of business in one county from charging customers in one municipality, or in any unincorporated area within any county at a higher rate for water or for maintenance and use of fire plugs than customers in any other municipality or unincorporated area within the county of its principal place of business; and prescribing penalties for violations.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed at the end of the Regular Order Calendar for today, to-wit:

By Messrs. Proctor, Higginbotham and Bailey (With Amendments):

S. 93. To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and municipalities, municipal electric utility boards and public corporations owning or operating electric distribution systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and require that those rates or charges be sufficient,

along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, along with all income and property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

By Rep. Campbell (With Amendments):

H. 7. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the legislative council to be the committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Rep. Pegues:

H. 115. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901; which Section defines general, local and special or private laws; to validate and confirm Act 79-263 (House Bill No. 68) which Act established eight classes of municipalities and each and every act enacted which refers or relates to a class of municipalities established under the provisions of Act No. 79-263.

By Rep. Kelley:

H. 356. Relating to the Twenty-seventh Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

By Rep. Willis:

H. 426. To amend §33-5-17, Code of Alabama 1975, so as to increase boat registration fees.

By Reps. Johnson (R. G.) and Carothers:

H. 217. To be known as a Third Party Prescription Program Act, establishing the rights and responsibilities of parties engaged in third party prescription programs; defining certain terms; providing for notice procedures, cancellation procedures, provisions to be included in contractual agreements pertaining to third party prescription programs; outlining conditions under which payment by the program administrator to the pharmacy may or may not be denied; establishing reimbursement rates; providing exceptions and repealing all conflicting laws.

By Mr. Harrison:

S. 61. To amend the title and sections 1, 2, 6 and 7 of Act No. 80-739, S. 403, of the 1980 Regular Session now appearing as sections 40-17-160 through 40-17-166 of the Code of Alabama 1975 relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles, provide further for decals to be placed on such vehicles, provide certain exemptions from taxation of such gas, and to provide further for penalties for the violation of the provisions of the act.

By Mr. Keener:

S. 62. To amend Section 37-1-66 relating to the powers of members of the Enforcement Division of the Public Service Commission.

By Mr. Martin:

S. 428. To make further provisions for the issuance of obligations by Alabama federal aid highway finance authority by amending article 10 of chapter 1 of Title 23 of the Code of Alabama of 1975 so as to provide for the issuance and use of proceeds of obligations of the authority for the purpose of anticipating and providing for not only the federal share of the cost of constructing interstate and defense highways but also for the purpose of anticipating and providing for the federal share of the costs of constructing state highways to the extent that the said highways constitute primary highways as defined in section 23-1-301; to delete the requirement that obligations be issued only for the purpose of providing funds to pay the federal share of the costs of constructing highway projects qualifying for reimbursement from the United States of American on a nine to one matching basis and

to permit obligations of the authority to be issued and proceeds thereof to be expended for payment of any cost of constructing any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the said United States pursuant to the written agreement provided for in this article; to amend section 23-1-300 of the said Code so as to provide that obligations of the authority shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending in 1978 through 1995 (rather than the federal fiscal years 1978 through 1983); to amend section 23-1-301 of the said Code by (i) permitting the issuance of temporary bonds in coupon form, (ii) amending the definition of bond to include refunding bonds issued to refund outstanding obligations, (iii) amending the definition of note by further defining a note as an obligation which recites on its face that it is issued in anticipation of the sale by the authority of bonds and which is payable to the order of a named payee, and (iv) further defining a temporary bond as an obligation issued by the authority which recites on its face that it is issued in anticipation of the sale by the authority of bonds; to amend section 23-1-307 of the said Code by (i) deleting the provision of the said section which provides that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on obligations issued by the authority, and (ii) providing that the authority may from time to time sell and issue refunding bonds for the purpose of refunding any then outstanding obligations of the authority and to provide that the provisions of the said section limiting the aggregate principal amounts of bonds to \$212,000,000 shall not apply to refunding bonds; to extend from eight to fifteen years the maximum permissible maturity date of bonds; to delete the requirement of section 23-1-310 of said Code that the bonds be sold only at public sale and at a price at least equal to their face value and to provide that any obligation of the authority may be sold either at public or private sale and at such prices as may be deemed most advantageous by the board of directors, but that none of the obligations may be sold for a price less than 97% of their par or face value; to exempt all obligations issued by the authority from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of the code of Alabama of 1975; to amend section 23-1-313 of the said Code by (i) deleting the prohibition with respect to the use of the proceeds of obligations of the authority for payment of fees of fiscal agents or financial consultants, and (ii) providing that proceeds of refunding bonds may be used for payment of principal of and interest on any outstanding obligations of the authority and for payment of any redemption premium necessary in order to redeem or retire the said outstanding obligations; to amend section 23-1-314 of the said Code by (i) extending the period for which funds to be received by the state from the United States government may be pledged to the federal fiscal year ending in 1995, and (ii) providing that the said funds received from the federal government during any federal fiscal year should be set aside to pay not only those obligations of the authority which mature during such federal fiscal year but also any obligations which are subject to mandatory redemption by the authority during any such federal fiscal year; and to make certain other clarifying changes and to correct certain typographical errors.

## CONSENT CALENDAR

### BILLS ON THIRD READING RESUMED

The Bill:

H. 115. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901; which Section defines general, local and special or private laws; to validate and confirm Act 79-263

(House Bill No. 68) which Act established eight classes of municipalities and each and every act enacted which refers or relates to a class of municipalities established under the provisions of Act No. 79-263.

was read a third time at length as required by the Constitution and passed.

Yeas 28; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Proctor
Bailey	Hall	Little	Robertson
Barron	Harrison	Martin	Smith
Cook	Higginbotham	Miller	Taylor
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White
Goodwin			

—28

*Nays:*

—0

### RESOLUTION

Messrs. White and Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 141. CALLING FOR THE RESIGNATION OF CERTAIN MEMBERS OF THE ALABAMA BOARD OF PARDONS AND PAROLES.

WHEREAS, the Legislature of Alabama and the citizenry of this state have been shocked beyond belief to learn of the recent parole of Richard Mark Ellard, a vicious criminal who was convicted of two brutal sex murders and who beat another helpless victim to the point of death; and

WHEREAS, during his incarceration, Ellard escaped from prison for a period of six months during which time the woman who barely survived, and whom in fact he left for dead, lived again in fear for her life following threats of revenge because of her testimony during trial; and

WHEREAS, it is totally incomprehensible to members of this body that the Alabama Board of Pardons and Paroles could possibly justify the release of a man who is less than human, thereby freeing him to once again brutalize and kill at will; and

WHEREAS, convicted in Georgia for one of his murders, Ellard was serving that life sentence concurrently with his Alabama sentence and since his unbelievable release after a mere eight years of imprisonment in our state, he is being held in jail in Douglas County, Georgia, and is also eligible for parole there; and

WHEREAS, in abject apology for the shameful action of the Alabama Board of Pardons and Paroles, we can only pray that the Georgia Parole Board will act responsibly, as Alabama's counterpart did not, and refuse to free Richard Mark Ellard to prey again on innocent victims of our society; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call for the immediate resignation of any member of the Alabama Board of Pardons and Paroles who, in grave miscarriage of justice, voted for the release of Richard Mark Ellard.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to each member of the Alabama Board of Pardons and Paroles, with a copy also forwarded to the Georgia Parole Board respectfully requesting that it carefully weigh the magnitude and brutality of Richard Mark Ellard's crimes in considering parole for said individual.

Which was read and referred to the Standing Committee on Rules.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 356. Relating to the Twenty-seventh Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

was taken up.

On motion of Mr. deGraffenried, further consideration of the Bill, S. B. 356, was postponed temporarily.

#### RESOLUTIONS

Mr. Pearson offered the following Senate Joint Resolution, to-wit:

S. J. R. 142. HONORING DR. SAUNDERS EARL WALKER, PROFESSOR OF ENGLISH AND SPEECH, MILES COLLEGE, BIRMINGHAM, ALABAMA.

WHEREAS, Dr. Saunders Earl Walker, who is a native of Birmingham, Alabama, and a product of that city's public schools, holds a Bachelor's Degree from Talladega College, Master's Degrees in English and in Speech and Theatre from the University of Michigan and a Ph.D. Degree in English from Western Reserve College; contingent on completion of his dissertation, Dr. Walker will receive a Ph.D. Degree also in Speech, and has completed post-graduate and Fellowship studies at Harvard, Yale and Banff School of Fine Arts; and

WHEREAS, a Professor of English and Speech at Miles College in Birmingham, Dr. Walker also has distinguished himself as a speaker, as poetry lecturer and reader, editor and as an author, and he has been honorably cited by the Alabama Writer's Conclave for short stories; and

WHEREAS, Dr. Walker also is a member of the Advisory Board of the Down Home Quarterly journal and is a repeat winner in the Birmingham Beautification Board's Annual Awards Program; and

WHEREAS, he has received several awards from Fort Valley State College, the Ira Aldridge Award for distinguished service in the performing arts, and numerous other citations for outstanding achievement and accomplishment; and

WHEREAS, Dr. Walker, who is listed in the Dictionary of American Scholars, Outstanding Educators of America and Dictionary of International Biography, is also a 1980 nominee for the Man of the Year Award of the Young Men's Business Club; and

WHEREAS, his activities extend further to include hobbies of landscaping, interior decorating, flower gardening, swimming, league bowling and

music, the latter through accomplished mastery of the organ and his love of devotional music which he generously shares with others, including inmates at Jefferson County Jail; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Saunders Earl Walker for outstanding achievement and direct that a copy of this resolution be sent to him to share with his wife, Dr. Emma Walker, and their daughter, Mrs. Sandra Walker Moore, that they all may know of our high praise and esteem.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Pearson then offered the following Senate Resolution, to-wit:

S. R. 143. HONORING DR. SAUNDERS EARL WALKER, PROFESSOR OF ENGLISH AND SPEECH, MILES COLLEGE, BIRMINGHAM, ALABAMA.

Which was adopted.

Mr. Pearson then offered the following Senate Joint Resolution, to-wit:

S. J. R. 144. HONORING DR. EMMA MILLS CLEMENT WALKER OF BIRMINGHAM, ALABAMA.

WHEREAS, Dr. Emma Mills Clement Walker, a native North Carolinian and now a resident of Birmingham, Alabama, is a prominent educator whose professional career spans more than five decades from her days as a practice teacher until the present in her position as Professor of Writing at Miles College in Birmingham; and

WHEREAS, Dr. Walker is a graduate of Livingstone College with a major in English and she received her Master's Degree from Atlanta University and her Ph.D. Degree from Ohio State University; she also studied additionally on the graduate level at Louisville Municipal College and at Indiana University; and

WHEREAS, she has been associated variously and in responsible capacities through the years with Fort Valley State College, the University of Tennessee, Tuskegee Institute, Dinwiddie Normal and Kentucky State College, as well as with high schools in North Carolina, Kentucky and Georgia; and

WHEREAS, Dr. Emma Walker is additionally and professionally experienced in the areas of public information, journalism, crafts, youth services and recreation, has participated in numerous workshops and clinics, serving as advisor, consultant, sponsor, lecturer and director; and

WHEREAS, she further has engaged in several fields of research, is the recipient of many outstanding awards and honors and is listed in some seven publications of distinguished citizens of achievement; and

WHEREAS, Dr. Walker holds membership in more than two dozen prestigious organizations, providing leadership through office and other administrative capacities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr.

Emma Clement Walker for outstanding achievement and direct that she receive a copy of this resolution evidencing to her, her husband, Dr. Saunders Earl Walker, and to their daughter, Mrs. Sandra Walker Moore, our high regard for Dr. Walker's accomplishments.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Pearson then offered the following Senate Resolution, to-wit:

S. R. 145. HONORING DR. EMMA MILLS CLEMENT WALKER  
OF BIRMINGHAM, ALABAMA.

Which was adopted.

#### MOTION IN WRITING

Mr. Callahan offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 544, on page 103 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 544, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 426. To amend §33-5-17, Code of Alabama 1975, so as to increase boat registration fees.  
was taken up.

Mr. Barron moved that the Rules be suspended in order for him to offer an amendment to the above Bill, H. B. 426.

Upon the objections of Messrs. Weeks, Keener, Denton, Miller, and Little, the motion to suspend the Rules was lost.

And said Bill, H. B. 426, was read a third time at length and passed.

Yeas 16; Nays 5.

*Yeas:*

Messrs.:	Higginbotham	Martin	Smith
Callahan	Hilliard	Miller	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Little	St. John	White
Hall			

—16

*Nays:* Messrs.: Barron, Kirkland, Mitchem, Proctor and Robertson. —5

#### FURTHER CONSIDERATION OF H. B. 356

The Senate proceeded to further consideration of the Bill, H. B. 356.

And said Bill, H. B. 356, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.



Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Little	Proctor
Callahan	Hilliard	Martin	Smith
deGraffenried	Holmes	McDonald	Taylor
Denton	Keener	Miller	Vacca
Glass	Kirkland	Parsons	White
Hall			

—20

*Nays:*

—0

## BILLS ON THIRD READING RESUMED

The Bill:

H. 217. To be known as a Third Party Prescription Program Act, establishing the rights and responsibilities of parties engaged in third party prescription programs; defining certain terms; providing for notice procedures, cancellation procedures, provisions to be included in contractual agreements pertaining to third party prescription programs; outlining conditions under which payment by the program administrator to the pharmacy may or may not be denied; establishing reimbursement rates; providing exceptions and repealing all conflicting laws.

was taken up.

On motion of Mr. Proctor, further consideration of the Bill, H. B. 217, was postponed until the Twenty-Third Legislative Day.

The Bill:

S. 61. To amend the title and sections 1, 2, 6 and 7 of Act No. 80-739, S. 403, of the 1980 Regular Session now appearing as sections 40-17-160 through 40-17-166 of the Code of Alabama 1975 relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles, provide further for decals to be placed on such vehicles, provide certain exemptions from taxation of such gas, and to provide further for penalties for the violation of the provisions of the act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Proctor
Bailey	Gulledge	Kirkland	Smith
Barron	Hall	Lemaster	Taylor
Britnell	Harrison	Little	Vacca
deGraffenried	Higginbotham	Martin	Weeks
Denton	Holmes	Parsons	White

—23

*Nays:*

—0

The Bill:

S. 62. To amend Section 37-1-66 relating to the powers of members of the Enforcement Division of the Public Service Commission.

was taken up.

On motion of Mr. Kirkland, the Rules were suspended and he was granted permission to offer the following amendment to the Bill, S. B. 62, to-wit:

AMENDMENT TO S. B. 62

Amend Senate Bill No. 62, Page 1, Line 27, by striking out the period after the word "law" and adding the following "; but any powers conferred herein shall not include the power to issue or serve subpoenas."

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Parsons	
Barron	Hilliard	Little	Smith	
Cook	Holmes	Martin	Taylor	
deGraffenried	Keener	McDonald	White	
Goodwin	Kirkland	Miller		—18

*Nays:* —0

On motion of Mr. Kirkland, the Rules were again suspended and he was granted permission to offer the following amendment to the Bill, S. B. 62, as amended, to-wit:

AMENDMENT TO S. B. 62, AS AMENDED

Amend Senate Bill No. 62, as amended, page 1, Line 23, by inserting after the word sheriffs "except the power to execute search warrants."

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Parsons	
Barron	Harrison	Lemaster	Smith	
Britnell	Hilliard	Little	Taylor	
Cook	Holmes	Martin	Weeks	
deGraffenried	Keener	Miller	White	
Goodwin				—20

*Nays:* —0

And said Bill, S. B. 62, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Keener	Mitchem	
Barron	Harrison	Kirkland	Parsons	
Callahan	Higginbotham	Lemaster	Taylor	
Cook	Hilliard	Little	Weeks	
deGraffenried	Holmes	Martin	White	
Goodwin				—20

*Nays*

—0

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hilliard:

S. 606. Amending Section 17-5-160, Code of Alabama 1975, relating to voter registration, so as to provide for a voter outreach program for identifying citizens who are not registered voters and to register qualified citizens to vote.

Committee on Government Affairs.

By Mr. Callahan:

S. 607. To provide for the limitation of liability of organizations or associations holding parades.

Committee on Judiciary.

By Mr. Gulledge:

S. 608. To create the Historic Blakeley Authority to establish as a state park the lands in Baldwin County known as the Blakeley site; provides for membership on the board of the authority; provides that the board shall have corporate powers; provides for the issuance of bonds; and provides that the authority shall employ personnel to operate and maintain the state park.

Committee on Finance and Taxation.

By Mr. Higginbotham (with notice and proof):

S. 609. To alter, rearrange and extend the boundary line and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 609, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Proctor (with notice and proof):

S. 610. To alter, re-arrange and extend the boundaries and corporate limits of the CITY OF CALERA, ALABAMA, so as to incorporate certain territory as described herein.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 610, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Bailey:

S. 611. To amend Section 2-27-9 of the Code of Alabama 1975, relating to the registration of certain pesticides, so as to include certain on site applications.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Bailey:

S. 612. Relating to insurance; providing for a certain examination period for approval or return by the purchaser of individual life insurance policies and contracts issued for delivery in this state.

Committee on Banking and Insurance.

By Mr. Bailey:

S. 613. To exempt the National Peanut Festival Association, Inc., a non-profit agriculture promotion association, from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance and Taxation.

By Messrs. Callahan and Gullledge:

S. 614. To amend Section 9-17-64, Code of Alabama 1975, which provides for pooling or unitization agreements or amendments to leases to provide for pooling or unitization agreements, so as to provide for further such amendments.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Callahan:

S. 615. To authorize and make provision for the incorporation in any municipality of Housing Development Authorities for the purpose of making available at lower interest rates funds for the acquisition, construction and rehabilitation of owner-occupied, single-family dwelling units and multi-family units not to exceed six units, at least one of which is to be owner-occupied; to provide for the election and compensation of directors of any such Authorities; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to purchase notes and other instruments secured by mortgages, deeds of trust, notes and other security interests on such single-family and multi-family dwelling units; to authorize any such Authority to foreclose such mortgages, deeds of trust, notes or other security interest, sell the equity of redemption of such security interest and purchase the equity of redemption of the grantor of the said security interests; to authorize any such Authority to make contracts with others for the origination and servicing of loans represented by such mortgages, deeds of trust, notes and other security interests; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues derived from or referable to any notes or other instruments purchased by such Authority, and from any of its other property; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such authority for the

proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the employment by any such Authority of such officers, employees and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to provide for the investment of funds of any such Authority; to authorize the sale or conveyance, with or without consideration, by any such Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state; to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; and to limit to one the number of such Authorities which may exist in any municipality at any one time.

Committee on Finance and Taxation.

By Mr. Bailey:

S. 616. To exempt the sale of tickets and concessions of the Alabama Air Fair, to be held in Dothan, Alabama on June 6 and 7, 1981, from all state and local sales and use taxes.

Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Greer, Mitchell, Hall, Cheatwood, Trammell, Olive, Harvey, Shavers, Adams (H), Starkey, Ford, Bowling, Brakefield, Drinkard, Carothers, Ray, Albright, Carter, Smith (M), Naramore, Gilmer, Grouby, Moore, Sasser, Shoemaker, Patton, Clark (G), Sandusky, Letson, Zoghby, Crow, Laird, Parker, McKee, Wyatt, Daniels, Campbell, Reed, Blake, Gafford, Bennett, Waggoner, Holley, Biddle, Stewart, Minus, Kennedy, Langford, Horn, Clark (W), Cobb, Cooley, Williams, and Rains:

H. 717. To amend section 32-5A-171, Code of Alabama 1975, relating to speed limits so as to prescribe further for the speed limits on 4 lane and interstate highways.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the forgoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 717. To the Committee on Commerce, Transportation, and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 483. To authorize the Wilcox County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering wine to retailers in Wilcox County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

Also:

S. 506. To exempt the Chattahoochee Valley Hospital Society from the payment of all county and municipal sales and use taxes.

Also:

S. 507. Relating to Chambers County; providing for an additional allowance for election officials who work at polling places.

Also:

S. 547. Relating to Randolph County; providing for an additional allowance for election officials who work at polling places.

JOHN W. PEMBERTON,  
Clerk.

MOTION IN WRITING

Mr. Little offered the following Motion in Writing, to-wit:

I move for a suspension of the rules in order that the Bill, S. B. 432, on page 85 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 432, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kennedy, Turner, Zoghby, Clark (W), Warren, Stewart and Buskey:

H. 559. To amend Section 26-14-1, Code of Alabama 1975, relating to the reporting of abuse or neglect of children, so as to explicitly add the terms "sexual exploitation" or "attempted sexual exploitation" to the definition of child abuse and to explicitly define the terms "sexual abuse" and "sexual exploitation."

Also:

By Rep. Smith (J):

H. 372. To provide that, with respect to the sale of certain livestock, there shall be no implied warranty that such livestock are free from disease, provided that all federal and state statutory and regulatory requirements are complied with concerning the inspection and disease control of such livestock.

Also:

By Reps. Langford, Wyatt, Holmes, Dixon and McKee:

H. 691. To create an additional judgeship for the Fifteenth Judicial Circuit of Alabama; to provide for the appointment of the first judge and the election of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the Fifteenth Judicial Circuit of Alabama to seven; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Also:

By Rep. Cooley:

H. 724. To provide for commitment hearings to determine whether defendants acquitted of crimes by reason of insanity should be involuntarily committed to the Alabama state department of mental health; to provide for initial detention of the defendants prior to the final hearings; and to provide for the commitment of such persons.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 559 and 724. To the Committee on Judiciary.

H. B. 372. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 691. To the Committee on Finance and Taxation.

RESOLUTION

Mr. Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 146. SUPPORTING THE PROPOSED COORDINATED TECHNOLOGY PROJECT OF OCAP, INC.

WHEREAS, the Organized Community Action Program, Incorporated, (OCAP), with administrative offices in Troy, Alabama, is a community action agency of Bullock, Butler, Crenshaw and Pike Counties; and

WHEREAS, the agency, through grant application to the National Center for Appropriate Technology, has initiated efforts to fund a project to enhance the area's employment potential and economic development using numerous community organizations and governmental entities; and

WHEREAS, specifically, this planned project would relate fuel alcohol production, solid waste disposal, mulit-purpose farm crops, fisheries and related activities under OCAP coordination and in partnership with county government and organizations, and local residents, with technical assistance from available state services and educational sources as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in full support of OCAP's proposed demonstration, we also express our support of the agency's efforts to secure adequate funding for the project and hopefully anticipate success in securing the Non-Metropolitan Integrated Community Demonstration grant through the National Center for Appropriate Technology.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. John R. Williams, Director of Planning and Administration of OCAP, Incorporated.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 428. To make further provisions for the issuance of obligations by Alabama federal aid highway finance authority by amending article 10 of chapter 1 of Title 23 of the Code of Alabama of 1975 so as to provide for the issuance and use of proceeds of obligations of the authority for the purpose of anticipating and providing for not only the federal share of the cost of constructing interstate and defense highways but also for the purpose of anticipating and providing for the federal share of the costs of constructing state highways to the extent that the said highways constitute primary highways as defined in section 23-1-301; to delete the requirement that obligations be issued only for the purpose of providing funds to pay the federal share of the costs of constructing highway projects qualifying for reimbursement from the United States of America on a nine to one matching basis and to permit obligations of the authority to be issued and proceeds thereof to be expended for payment of any cost of constructing any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the said United States pursuant to the written agreement provided for in this article; to amend section 23-1-300 of the said Code so as to provide that obligations of



the authority shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending in 1978 through 1995 (rather than the federal fiscal years 1978 through 1983); to amend section 23-1-301 of the said Code by (i) permitting the issuance of temporary bonds in coupon form, (ii) amending the definition of bond to include refunding bonds issued to refund outstanding obligations, (iii) amending the definition of note by further defining a note as an obligation which recites on its face that it is issued in anticipation of the sale by the authority of bonds and which is payable to the order of a named payee, and (iv) further defining a temporary bond as an obligation issued by the authority which recites on its face that it is issued in anticipation of the sale by the authority of bonds; to amend section 23-1-307 of the said Code by (i) deleting the provision of the said section which provides that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on obligations issued by the authority, and (ii) providing that the authority may from time to time sell and issue refunding bonds for the purpose of refunding any then outstanding obligations of the authority and to provide that the provisions of the said section limiting the aggregate principal amount of bonds to \$212,000,000 shall not apply to refunding bonds; to extend from eight to fifteen years the maximum permissible maturity date of bonds; to delete the requirement of section 23-1-310 of said Code that the bonds be sold only at public sale and at a price at least equal to their face value and to provide that any obligation of the authority may be sold either at public or private sale and at such prices as may be deemed most advantageous by the board of directors, but that none of the obligations may be sold for a price less than 97% of their par or face value; to exempt all obligations issued by the authority from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of the code of Alabama of 1975; to amend section 23-1-313 of the said Code by (i) deleting the prohibition with respect to the use of the proceeds of obligations of the authority for payment of fees of fiscal agents or financial consultants, and (ii) providing that proceeds of refunding bonds may be used for payment of principal of and interest on any outstanding obligations of the authority and for payment of any redemption premium necessary in order to redeem or retire the said outstanding obligations; to amend section 23-1-314 of the said Code by (i) extending the period for which funds to be received by the state from the United States government may be pledged to the federal fiscal year ending in 1995, and (ii) providing that the said funds received from the federal government during any federal fiscal year should be set aside to pay not only those obligations of the authority which mature during such federal fiscal year but also any obligations which are subject to mandatory redemption by the authority during any such federal fiscal year; and to make certain other clarifying changes and to correct certain typographical errors.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Harrison	Martin	Robertson	
Barron	Hilliard	McDonald	Smith	
Britnell	Holmes	Miller	Taylor	
Cook	Keener	Mitchem	Weeks	
deGraffenried	Lemaster	Parsons	White	
Gulledge	Little			—22

*Nays:* —0

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 147. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 20th legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 550	114	Univ. of Ala., age 70 or older employ
S. B. 297	32	Goodwill Industries, B'Ham., exempt
S. B. 465	75	Fishing, private and public ponds, regu.
S. B. 283	24	Corporations, campaign contributions
S. B. 113	18	Ed., Bds. Line item transfer
S. B. 293	84	Schools, fees, alternate means of approp.
S. B. 485	72	State Treasurer, salary
S. B. 290	15	Conservation, Comm. of, special permits limited
H. B. 337	110	Relating to forfeitures and seizures of property
H. B. 59	33	Create an Equipment Management Surplus Reserve Acct. or Fund in the Public Road and Bridge Fund of the State Highway Dept.
S. B. 49	10	Organization of military dept.
S. B. 218	16	AL. Experiment Station Sys.
H. B. 81	46	Prov. for Investments in sub. and affiliates of domestic insurance companies
S. B. 146	37	Juries, selection process, civil & criminal
S. B. 34	27	Acting Pres. of U. of Ala., retirement
H. B. 223	53	Deceptive Trade Practices Act
S. B. 526	113	Contractors, roofing, regu.
S. B. 206	35	Children, legitimation process, guardian
S. B. 275	53	Juvenile Proceedings, age revision
S. B. 279	12	Public warehouse, fire ins.
S. B. 164	5	Drugs, Med. Exam. investigators, enforce
S. B. 294	66	Hospitals, extra comp., prohibit
S. B. 455	99	Veterinary Medical Examiners

S. B. 96	57	L.E.O., minimum wage
S. B. 316	48	Fire Extinguishers, lic. & regu.
S. B. 250	34	AL Business Corporation Act, am'd
S. B. 200	27	Schools, report property damage & assaults
S. B. 118	30	Ad valorem taxation, delinquent pymt.
S. B. 52	20	National Guard, defense counsel
S. B. 50	20	National Guard, law enforcement powers

And on motion of Mr. McDonald, said Resolution was then adopted by the Senate.

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 148. CONGRATULATING MR. JAMES E. HART, JR., UPON HIS ELECTION AS THIRD VICE PRESIDENT OF THE ALABAMA CATTLEMEN'S ASSOCIATION.

Which was adopted.

Mr. Kirkland then offered the following Senate Resolution, to-wit:

S. R. 149. COMMENDING MR. TERRY WILKERSON FOR BEING NAMED ALABAMA'S OUTSTANDING EDUCATOR.

Which was adopted.

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 550. To provide that the Board of Trustees of the University of Alabama, at its discretion, may continue the employment of employees 70 years of age or older; and to repeal conflicting laws.

Mr. deGraffenried offered the following substitute for the Bill, S. B. 550, to-wit:

#### SUBSTITUTE FOR S. B. 550

#### A BILL TO BE ENTITLED AN ACT

To provide that the Board of Trustees of the University of Alabama, at its discretion, may continue the employment of employees 70 years of age or older; and to repeal conflicting laws.

WHEREAS, every Alabamian is justly proud of the legendary record and reputation of the world's football genius. Paul William "Bear" Bryant; and

WHEREAS, not only the citizens of this great State but indeed of all the world watch in wonderment as this astounding coach passes milestones and record after record; and

WHEREAS, Paul William "Bear" Bryant has received every honor his profession makes, including National Coach of the Year three times and SEC Coach of the Year seven times, SEC Coach of the Century, and Coach of the Decade for the 1960's, by the NCAA, to name but a few; and

WHEREAS, Paul William "Bear" Bryant, as millions have followed with pride and exhilaration, has produced, through imaginative skill and vision, one of this nation's most respected and fearsome football teams, our own beloved Crimson Tide; and

WHEREAS, the National Championships earned by our University of Alabama football team, under Coach Bryant, came in 1961, 1964, 1965, 1973, 1978 and again in 1979, which brought great distinction and honor not only to the University of Alabama, but to all Alabamians; and

WHEREAS, Paul William "Bear" Bryant, born September 11, 1913 in the humble hamlet of Moro Bottoms, Arkansas has carved out a 215-40-8 record for the Crimson Tide, the Nation's best, and is only nine victories away from excelling even Alonzo Stagg's all time record of 314, capping his already 36 years of coaching honors and he deserves to continue his brilliant career without mechanical encumbrances; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. Any law, rule or regulation to the contrary notwithstanding, the Board of Trustees of the University of Alabama, may, in its sole discretion, continue the employment of any of its employees who are 70 years of age or older. Each such person shall be eligible to continue employment only if a majority of a quorum of the board, after deliberation, vote in favor thereof. Provided, further, particularly no laws or rules requiring mandatory retirement due to age shall apply to Paul William "Bear" Bryant so long as he and the University of Alabama concur his employment is satisfactory.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Pearson
Bailey	Hall	Little	St. John
Barron	Harrison	Martin	Smith
Britnell	Higginbotham	McDonald	Taylor
Callahan	Hilliard	Miller	Vacca
deGraffenried	Holmes	Mitchem	Weeks
Glass	Keener	Parsons	White
Goodwin	Kirkland		

—29

Nays:

—0

And said Bill, S. B. 550, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 33; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Gulledge	Little	Robertson
Barron	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White
Glass	Kirkland		

—33

*Nays:*

—0

On motion of Mr. deGraffenried, the names of Messrs. Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, Taylor, Teague, Vacca, Weeks and White were added as co-sponsors of the above Bill.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 630. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 630. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 648. Relating to Coosa County; enunciating legislative intent; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

Also:

H. 649. Relating to Coosa County; providing further for the issuance of pistol permits by the sheriff, the fees therefor and the use of such fees; repealing specifically Act No. 121, H. 22 of the 1971 Regular Session (Acts 1971, p. 204), as amended, entitled, "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census; fixing the fees for issuance of pistol permits by the sheriff and providing for distribution and use of such fees," and repealing conflicting laws.

Also:

H. 650. To provide that the county commission of Coosa County shall pay all deputy sheriffs a starting salary of \$900.00 per month. The chief deputy shall be entitled to a salary of not less than \$75.00 per month more than a deputy. A sergeant will draw \$30.00 per month more than a deputy.

Also:

H. 721. Relating to Winston County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 840. To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

Also:

H. 714. Proposing an Amendment to the Constitution of 1901 relating to the City of Alabaster in Shelby County; authorizing the municipal governing body to levy an additional ad valorem tax.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 194. DESIGNATING THAT PORTION OF ALABAMA HIGHWAY 9, BETWEEN ITS JUNCTION WITH U.S. 231 AT WETUMPKA IN ELMORE COUNTY TO ITS JUNCTION WITH U.S. 280 AT SOCAPATTOY IN COOSA COUNTY, AS THE "OLD CENTRAL PLANK ROAD."

Also:

H. J. R. 239. MOURNING THE DEATH OF FORMER WORLD HEAVYWEIGHT CHAMPION, JOE LOUIS.

Also:

H. J. R. 243. EXPRESSING ALABAMA'S TREMENDOUS PRIDE IN THE SUCCESSFUL FLIGHT OF COLUMBIA AND COMMENDING ITS CREW AND NASA.

Also:

H. J. R. 244. MOURNING THE DEATH OF MRS. BESSIE PEARL STARKEY OF FLORENCE, ALABAMA.

Also:

H. J. R. 247. COMMENDING STATE EMPLOYEES FOR THEIR LOYAL SERVICE.

Also:

H. J. R. 252. COMMENDING MR. HENRY LEGRONE FOR OUTSTANDING SERVICE IN SCOUTING.

Also:

H. J. R. 254. CREATING A CONTINUING SELECT JOINT NUCLEAR ENERGY ACTIVITIES AND HAZARDOUS CHEMICAL TOXIC WASTE OVERSIGHT COMMITTEE.

Also:

H. J. R. 255. APPROPRIATING FUNDS TO THE CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS ESTABLISHED BY ACT NO. 79-816 OF THE 1979 REGULAR SESSION OF THE LEGISLATURE.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### RESOLUTION

Messrs. Barron, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 150. EXTENDING BEST WISHES AND A FOND FAREWELL TO LOU ELLIOTT.

WHEREAS, The Legislature notes with mixed feelings that the Capitol reporter for the Alabama Journal, Lou Elliott, will soon be leaving Montgomery for a new position with the Pensacola Journal; and

WHEREAS, We rejoice in her advancement, but regret very much that we will no longer be graced with her astute coverage of events on Goat Hill; and

WHEREAS, Lou has been with us since 1976, having worked previously on newspapers in Jackson, Mississippi and New Orleans; and

WHEREAS, She has been very active in the journalism fraternity, Sigma Delta Chi, and even more importantly, in the Friday Club; and

WHEREAS, Lou Elliott has seen the Legislature at its worst and at its best, warts and all, and has always reported its activities with sensitivity and fairness; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we wish Lou Elliott Godspeed in her new position in Pensacola, in the full knowledge that she will do the same splendid job for her new employers that she has done in Montgomery.

BE IT FURTHER RESOLVED That she be presented with a copy of this resolution as a token of our affection and esteem.

On motion of Mr. Barron, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 356. Relating to the Twenty-seventh Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

Also:

H. 426. To amend §33-5-17, Code of Alabama 1975, so as to increase boat registration fees.

Also:

H. 115. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901; which Section defines general, local and special or private laws; to validate and confirm Act 79-263 (House Bill No. 68) which Act established eight classes of municipalities and each and every act enacted which refers or relates to a class of municipalities established under the provision of Act No. 79-263.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been



publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## UNFINISHED BUSINESS

### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 46. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

Mr. Vacca offered the following amendment to the Bill, S. B. 46, to-wit:

#### AMENDMENT TO S. B. 46

Amend Senate Bill 46 in Section 4(a) on Page 2, Line 3, after the word "state," by adding the following:

"except the right to serve search warrants,"

Further amend Senate Bill 46 in Section 4(a) on Page 2, on the last line by deleting:

"or for any offense committed on bank property"

Further amend Senate Bill 46 in Section 4(a) on Page 2 by adding the following as the last sentence.

"This section prohibits a bank investigator from performing civil collections or repossessions."

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	St. John	
Bailey	Gulledge	Little	Taylor	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Denton	Keener	Proctor	White	
Glass	Kirkland			—21

*Nays:* —0

Mr. Hilliard offered the following amendment to the Bill, S. B. 46, as amended, to-wit:

#### AMENDMENT TO S. B. 46, AS AMENDED

Amend Senate Bill 46 on Page 2, Section 1(d), by adding the following new paragraph after Line 8.

"No person, having been previously employed as a law-enforcement or peace officer of this State or any subdivision of this State, who having been dismissed from such capacity of peace officer for reasons of misconduct, malfeasance, misfeasance, or commission of an improper act involving moral turpitude, shall be commissioned as a bank investigator under this Act."

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs.	Glass	Keener	Parsons
Bailey	Gulledge	Kirkland	Pearson
Britnell	Hall	Lemaster	Taylor
Cook	Higginbotham	Little	Vacca
deGraffenried	Hilliard	Martin	Weeks
Denton	Holmes	McDonald	White
Figures			—24

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gafford:

H. 362. To control the movement of trains to and from any area under an evacuation order because of an actual or impending emergency as declared by the Governor; and to provide penalties for violations of the provisions of this Act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 362. To the Committee on Commerce, Transportation, and Utilities.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gilmer (with notice and proof):

H. 873. Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 873, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 883. Relating to Marion County; to authorize the County Board of Education to meet the last week in June and to set the salary of the Superintendent of Education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 883, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 885. To amend Section 1 of Act No. 2376, H. 228, 1971 Regular Session (Acts 1971, p. 3805), relating to pistol permit fees in Marion County so as to provide further for the amount and disposition of such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 885, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Daniels (with notice and proof):

H. 896. Relating to Geneva County; providing further for the compensation of the coroner and repealing Act No. 56, H. 96, 1959 Regular Session (Acts 1959, p. 223).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 896, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

By Rep. Daniels (with notice and proof):

H. 897. Relating to Geneva County; amending Act No. 75, H. 44, 1967 Regular Session, (Acts 1967, p. 107), so as to increase the fee for issuance of pistol permits.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 897, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Penry and McMillan (with notice and proof):

H. 901. Relating to Baldwin County; directing and requiring Baldwin County Commission to provide for the holding of an advisory election relative to the levying of an additional sales tax to be distributed to the County Board of Education of the said County and used for certain specified public school purposes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 901, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 873, 883, 885, 896, 897, and 901. To the Committee on Local Legislation No. 1.

FURTHER CONSIDERATION OF S. B. 46

The Senate proceeded to further consideration of the Bill, S. B. 46, as amended.

And said Bill, S. B. 46, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 11.

*Yeas:*

Messrs.:	Goodwin	Holmes	Proctor
Bailey	Gulledge	Lemaster	Smith
Britnell	Harrison	Martin	Taylor
Cook	Higginbotham	Mitchem	Vacca
Denton			

—16

*Nays:*

Messrs.:	Figures	Hilliard	Little
Barron	Glass	Keener	Parsons
deGraffenried	Hall	Kirkland	Pearson

—11

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 228. RELATIVE TO CONVENING DATES THROUGH APRIL 23, 1981.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 133. MOURNING THE DEATH OF ALABAMA NATIVE AND WORLD HEAVYWEIGHT BOXING CHAMPION, JOE LOUIS.

Also:

S. J. R. 134. DECLARING THE WEEK OF MAY 31-JUNE 6, 1981 ALABAMA POULTRY WEEK.

Also:

S. J. R. 137. MEMORIALIZING CONGRESS AND THE SMALL BUSINESS ADMINISTRATION TO KEEP THE PROMISES MADE TO ALABAMA FARMERS IN REGARD TO LOANS PROMISED DURING THE DISASTER CROP YEAR OF 1980.

Also:

S. J. R. 139. COMMENDING PRESIDENT RONALD REAGAN FOR HIS PRESIDENTIAL PARDON OF W. MARK FELT AND EDWARD S. MILLER.

Also:

S. J. R. 142. HONORING DR. SAUNDERS EARL WALKER, PROFESSOR OF ENGLISH AND SPEECH, MILES COLLEGE, BIRMINGHAM, ALABAMA.

Also:

S. J. R. 144. HONORING DR. EMMA MILLS CLEMENT WALKER OF BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 297. To further amend Section 40-23-5 of the Code of Alabama 1975, so as to make further exemptions from state, county or municipal taxes for all Goodwill Industries wherever located in Birmingham, Alabama.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 297, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 297

#### A BILL TO BE ENTITLED AN ACT

To exempt the Alabama Goodwill Industries, Inc. of Birmingham from payment of all state, municipal, and county sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Goodwill Industries, Inc. of Birmingham is hereby exempted from paying any state, municipal, or county sales and use taxes.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective the first day of the second month following its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Mr. Pearson, said substitute was laid on the table.

Mr. Pearson then offered the following substitute for the Bill, S. B. 297, to-wit:

SUBSTITUTE FOR S. B. 297

A BILL  
TO BE ENTITLED  
AN ACT

To exempt the Alabama Goodwill Industries, Inc., of Birmingham from payment of all state, municipal, and county sales and use taxes, retroactively to the fiscal year commencing October 1, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Goodwill Industries, Inc., of Birmingham is hereby exempted from paying any state, municipal, or county sales and use taxes.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall have retroactive effect commencing October 1, 1980.

Mr. Keener offered the following amendment to the substitute for the Bill, S. B. 297, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 297

Amend substitute for Senate Bill No. 297 by inserting after the words "Alabama Goodwill Industries, Inc., in Birmingham, Alabama," the words "or any division office in Gadsden, Alabama," throughout the bill.

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Callahan offered the following amendment to the substitute, for the Bill, S. B. 297, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 297

Amend substitute for Senate Bill No. 297, Page 1, Line 9, after the word "Birmingham", and insert the words "Allen Memorial Home — Mobile" and on line 19 after the word "Birmingham" add the words "Allen Memorial Home — Mobile" and on line 24, after the word "Birmingham", add the words "Allen Memorial Home — Mobile"

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Pearson then offered the following amendment to the substitute for the Bill, S. B. 297, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR S. B. 297

Amend substitute for Senate Bill No. 297, Page 1, Line 21, by adding before the period thereon the following language: "as intended by the Legislature in Act No. 670 of 1978" and Page 1, Line 33 after the period thereon the following language: as intended by the Legislature in Act No. 670 of 1978.

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 297, was then adopted.

Yeas 20; Nays 1.

*Yeas:*

Messrs.	Gulledge	Lemaster	Mitchem	
Bailey	Hall	Little	Parsons	
Barron	Harrison	Martin	Pearson	
Britnell	Hilliard	McDonald	Smith	
Denton	Kirkland	Miller	Taylor	
Goodwin				—20

*Nay:* Mr. Proctor. —1

And said Bill, S. B. 297, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs.	Hall	Lemaster	Proctor	
Barron	Harrison	Little	St. John	
Britnell	Higginbotham	Martin	Smith	
deGraffenried	Hilliard	Mitchem	Taylor	
Denton	Holmes	Parsons	Vacca	
Goodwin	Kirkland	Pearson	Weeks	
Gulledge				—24

*Nays:* —0

#### RESOLUTIONS

Messrs. Gulledge, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 151. COMMENDING THOSE INDIVIDUALS WHO RENDERED EXTRAORDINARY SERVICE IN CONNECTION WITH THE HURRICANE FREDERIC REFORESTATION PROJECT.

WHEREAS, Hurricane Frederic was responsible for causing widespread damage to the forests of Southwest Alabama; and

WHEREAS, the timber interests in Southwest Alabama were practically devastated monetarily by the winds of Hurricane Frederic; and

WHEREAS, it was foreseen that future timber supplies would become inadequate causing increased prices and economic hardship on the general public; and

WHEREAS, a Hurricane Frederic Reforestation Project was established to provide free seedlings to those affected landowners who would reforest their damaged lands; and

WHEREAS, Ray Sandretto of Union Camp Woodlands was Project Leader, Robert Kucera was coordinator for the Alabama Forestry Commission, Vernon Baugh of Scott Paper Company was Mobile County Reforestation Chairman, Alan Bruce and Phil Woods of American Can Company were Choctaw and Clarke County Reforestration Chairmen, and Wendell Johnson and Charlie Sanders of St. Regis Paper Company were Baldwin and Washington County Chairmen; and

WHEREAS, these individuals provided unselfish and dedicated service above and beyond their regular duties in connection with reforesting the land devastated by Hurricane Fredric; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend these individuals and companies for tireless effort and unselfish dedication in providing disaster relief in the aftermath of Hurricane Frederic resulting in the planting of eleven (11) million trees in Southwest Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each of the above persons in recognition of his service and dedication and that he may be aware of our commendation of him.

On motion of Mr. Gullede, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. deGraffenried and Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 152. MOURNING THE DEATH OF MR. DANNY C. MORRISON OF TUSCALOOSA, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply saddened by the untimely death of Mr. Danny C. Morrison of Tuscaloosa, Alabama, on April 5, 1981, at the age of just 32 years; and

WHEREAS, a native and lifelong resident of Tuscaloosa, Mr. Morrison was a graduate of Tuscaloosa High School and the University of Alabama, and, at the time of his death was serving as vice president of Warrior Paper and Supply Company; and

WHEREAS, Danny Morrison was a former varsity athlete during his high school years and had continued his avid interest in sports through participation in and dedicated support of the athletic programs in the Tuscaloosa area; and



WHEREAS, he also was active in numerous of the civic and charitable affairs of his community and was a member of the First Baptist Church of Tuscaloosa; and

WHEREAS, early promise in youth became reality in Danny Morrison's manhood and his untimely death has indeed left a void in the hearts and lives of those who knew and loved him for his kindness, generosity and enthusiasm for life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Danny C. Morrison of Tuscaloosa, Alabama, and extend our most heartfelt sympathy to his son, Scott, to his parents, Mr. and Mrs. Claude Morrison, and other family members to whom copies of this resolution shall be sent.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 465. To exempt persons fishing in certain private ponds or certain public ponds from certain fishing laws and regulations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	St. John	
Barron	Harrison	Little	Smith	
Britnell	Higginbotham	Martin	Taylor	
Denton	Hilliard	McDonald	Weeks	
Goodwin	Holmes	Parsons	White	
Gulledge	Kirkland	Proctor		—22

*Nays:*

—0

On Motion of Mr. Barron, the name of Mr. Kirkland was added as co-sponsor of the above Bill.

#### MOTIONS IN WRITING

Mr. Higginbotham offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 335, on page 93 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 335, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Barron offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 316, on page 48 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 316, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILL RE-COMMITTED

Mr. Parsons moved that the Bill, H. B. 651, be removed from the Calendar and re-committed, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 651, re-committed to the Standing Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Lewis, Amari, Bennett, Payne, Bedsole, Howard, Harper (O) and Seibels.

H. 218. To amend several sections of present law relating to public health. The sections amended include 22-11-1, 22-11-2, 22-11-3, 22-11-4, 22-11-5, 22-11-6, 22-11-7, 22-11-8, 22-11-12, 22-11-13, 22-11-14, 22-11-15, 22-11-16, 22-12-3, 22-12-4, 22-20-2, Code of Alabama 1975, relating to notifiable diseases, and repeals Section 22-13-12, Code of Alabama, 1975, relating to cancer treatment reports.

Also:

By Rep. Harper (O):

H. 373. To amend Section 11-41-8, Code of Alabama 1975, as amended, so as to validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Also:

By Rep. Albright:

H. 19. To prohibit the levy of an increased amount of alcoholic beverage tax on the increased amount that a "collector's" bottle of liquor as defined by the alcoholic beverage control board or "gift pack" of wine sells for over the amount a regular bottle of the same size and kind of liquor or wine sells for.

Also:

By Reps. Bowling, Cooley, Payne, Naramore, Brakefield, Smith (J), Letson, Harvey, Turner, Dixon, Grouby and Cosby:

H. 422. To permit garnishment of up to forty percent (40%) of wages for child support and to make technical procedural changes.

Also:

By Reps. Bowling, Cooley, Ford, Payne, Naramore, Brakefield, Smith (J), Letson, Harvey, Turner, Dixon, Grouby and Cosby:

H. 423. To amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

Also:

By Rep. Crow:

H. 513. To amend Sections 9-11-48 and 9-11-49, Code of Alabama 1975, which provide for nonresident licenses for hunting trips, so as to extend the period of the trip to seven days.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 218. To the Committee on Health and Welfare.

H. B. 373. To the Committee on Governmental Affairs.

H. B. 19. To the Committee on Finance and Taxation.

H. B.'s 422 and 423. To the Committee on Judiciary.

H. B. 513. To the Committee on Agriculture, Conservation, and Forestry.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 283. To amend sections 10-2A-70 and 17-22-3 of the Code of Alabama 1975 relating to campaign contributions by corporations, so as to remove certain prohibitive language relating to the type of contributions that may be made by certain political committees.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 283, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 283

Amend S. B. 283 as follows:

In the Title on lines 17 and 18 delete the words "by corporations".

#### MOTION TO ADJOURN

Mr. Callahan moved that when the Senate adjourns today, that it adjourn to meet again on Tuesday, April 21, 1981, at 1 o'clock P.M., which motion was adopted.

#### FURTHER CONSIDERATION OF S. B. 283

The Senate proceeded to further consideration of the Bill, S. B. 283. The question was on the Committee amendment.

And said amendment was then adopted.

Yeas 18; Nays 2.

*Yeas:*

Messrs.:	Gulledge	Martin	Taylor	
Cook	Harrison	McDonald	Vacca	
deGraffenried	Higginbotham	Parsons	Weeks	
Glass	Holmes	Proctor	White	
Goodwin	Lemaster	Smith		—18

*Nays:* Little and Robertson. —2

Mr. Little offered the following amendment to the Bill, S. B. 283, as amended, to-wit:

AMENDMENT TO S. B. 283, AS AMENDED

Amend Senate Bill No. 283 Page 2 Line 20, by striking out the period “.” and insert the following words:

“And any political contribution from such fund will be in the form of money, political surveys, or a combination thereof, and in no other form whatsoever.”

On motion of Mr. Gulledge, said amendment was laid on the table.

Yeas 18; Nays 6.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	McDonald	Vacca	
Cook	Gulledge	Parsons	Weeks	
deGraffenried	Harrison	Proctor	White	
Denton	Holmes	St. John		—18

*Nays:*

Messrs.:	Higginbotham	Little	Taylor	
Barron	Hilliard	Robertson		—6

On motion of Mr. McDonald, further consideration of the Bill, S. B. 283, as amended, was postponed temporarily.

MOTION TO ADJOURN LOST

At 4:05 P.M., Mr. Little moved that the Senate adjourn until Tuesday, April 21, 1981, at 1 o'clock P.M., which motion was lost.

Yeas 8; Nays 17.

*Yeas:*

Messrs.:	Hall	Little	Weeks	
Britnell	Hilliard	Taylor	White	
Goodwin				—8

*Nays:*

Messrs.:	Denton	Martin	Robertson	
Bailey	Gulledge	McDonald	St. John	
Barron	Higginbotham	Parsons	Smith	
Cook	Holmes	Proctor	Vacca	
deGraffenried	Lemaster			—17

## BILLS ON THIRD READING RESUMED

The Bill:

S. 113. To provide that any annually appropriated funds allocated to local boards of education, except funds specified to be spent for personnel salaries, may be transferred between and among line items, provided that such transfer shall not exceed twenty (20) percent of the amount appropriated for each line item and to further provide that such limitation shall not apply during years in which proration is declared.

was taken up.

Mr. McDonald offered the following amendment to the Bill, S. B. 113, to-wit:

## AMENDMENT TO S. B. 113

Amend S. 113 by deleting the words and figures twenty (20) on lines 15 and 22, and by substituting in lieu thereof the words and figures forty (40).

Which was adopted.

Yeas 19; Nays 3.

*Yeas:*

Messrs.:	Goodwin	Hilliard	Robertson	
Bailey	Gulledge	Lemaster	St. John	
Britnell	Hall	Martin	Taylor	
Cook	Harrison	McDonald	White	
deGraffenried	Higginbotham	Proctor		—19

*Nays:* Messrs.: Barron, Holmes and Little. —3

And said Bill, S. B. 113, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 3.

*Yeas:*

Messrs.:	Goodwin	Lemaster	St. John	
Bailey	Gulledge	Martin	Smith	
Britnell	Hall	McDonald	Taylor	
Cook	Higginbotham	Parsons	Vacca	
deGraffenried	Hilliard	Proctor	White	
Denton	Holmes	Robertson		—22

*Nays:* Messrs.: Barron, Harrison and Little. —3

## RESOLUTIONS

Messrs. Robertson, deGraffenried, Proctor, and Holmes offered the following Senate Joint Resolution, to-wit:

S. J. R. 153. ENCOURAGING OUR CITIZENS TO SUPPORT THE ECONOMY OF ALABAMA AND THE NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

WHEREAS, the economic well-being of our state and nation is both directly and adversely affected by the purchase and use of foreign-made products and goods; and

WHEREAS, numerous of our domestic manufacturers are being forced to close their plants because of foreign competition, resulting in more and more unemployment to the detriment of the economy of entire areas; and

WHEREAS, regrettably, the citizens of Alabama and the entire United States have continued, increasingly, to purchase foreign-made products despite the drastic economic consequences of such actions, and despite the fact that these products are inferior in quality and safety to our domestic products; and

WHEREAS, in light of the drastic and continued decline of our economy, directly related to increased imports, it is more imperative than ever before, that the American people define their loyalties through positive and corrective action; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in repetitive appeal for the support of the entire State of Alabama to further our own economic interests and protect the well-being of all our citizens, we hereby urge that Alabama set an example for the nation by buying and using only American-made products and goods.

BE IT FURTHER RESOLVED, That the officials of all Alabama municipalities and counties give their support to this resolution through public encouragement of loyalty to our domestic manufacturers.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 154. DESIGNATING MAY 3 THROUGH 10, 1981, AS ALABAMA ALCOHOL AWARENESS—MARRIAGE AND FAMILY WEEK.

WHEREAS, the observance of the traditional Mother's Day has been expanded on the national level to include Marriage and Family Week and it seems appropriate that the week culminating with Mother's Day also be designated as "Alabama Alcohol Awareness Week"; and

WHEREAS, the major factor resulting in family problems is related to the use of alcoholic beverage, and it is significant that a great portion of all alcohol purchased is by the bottle and much of it for home consumption; and

WHEREAS, family members suffer from youthful fatalities occurring on the streets and highways of Alabama which in large measure are attributed to the consumption of alcohol, and much of child abuse has been related thereto; and

WHEREAS, The Fetal Alcohol Syndrome (FAS) is known to produce mentally and physically handicapped children; and

WHEREAS, alcohol is an addictive drug and its social use is increasing rapidly, with an estimated fifteen million alcoholic-problem drinkers in America today; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Marriage and Family Week, May 3-10, 1981, also be designated "Alabama Alcohol Awareness Week," in recognition of the potential for family disharmony and personal injury resulting from the social use of alcohol.

BE IT FURTHER RESOLVED, That each family be encouraged to consider the joy and benefits of a drink-free life style.

RESOLVED FURTHER, That the Honorable Fob James, Governor of Alabama, issue a proclamation also designating May 3-10, 1981, "Alabama Alcohol Awareness—Marriage and Family Week."

BE IT FURTHER RESOLVED, That a suitably prepared copy of this resolution be transmitted to the Alabama Citizens Action Program (ALCAP).

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 293. To provide procedures for the expenditure of funds appropriated to replace fees and place restrictions on the collection of fees and fund-raising activities in public elementary and secondary schools.

was taken up.

Mr. St. John offered the following substitute for the Bill, S. B. 293, to-wit:

#### SUBSTITUTE FOR S. B. 293

##### A BILL TO BE ENTITLED AN ACT

To provide procedures for the expenditure of funds appropriated to replace fees and place restrictions on the collection of fees and fund raising activities in public elementary and secondary schools.

Be It Enacted by the Legislature of Alabama:

Section 1. With each faculty member being given an opportunity for input, the faculty and principal shall cooperatively develop a recommended budget for instructional supplies and materials. Based on this budget, the principal shall recommend to the superintendent the amount to be allotted to each teacher to be spent for the purchase of instructional materials and supplies. Based on the superintendent's recommendation the local school board shall approve a budget and issue purchase requisitions for instructional materials and supplies. The local school board shall also be responsible for all financial transactions in compliance with this section.

Section 2. It is the intent of the Legislature that no fees shall be collected in the future in courses required for graduation. In courses not required for graduation, local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. Any funds collected in fees shall be spent on the course for which the fee was levied.

Section 3. This Act shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students and teachers shall not be required to participate in such fund raising activities.

Section 4. Any funds provided herein not expended during the fiscal year shall revert to the Alabama Special Education Trust Fund.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Bailey, said substitute was laid on the table.

Yeas 18; Nays 6.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor
Bailey	Hall	Little	Taylor
Barron	Harrison	Martin	Vacca
Britnell	Hilliard	McDonald	Weeks
Denton	Holmes	Parsons	

—18

*Nays:*

Messrs.:	Higginbotham	St. John	White
deGraffenried	Kirkland	Smith	

—6

And said Bill, S. B. 293, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 1.

*Yeas:*

Messrs.:	Figures	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Hall	Little	St. John
Britnell	Harrison	Martin	Smith
Cook	Higginbotham	McDonald	Taylor
deGraffenried	Hilliard	Parsons	Vacca
Denton	Holmes	Pearson	Weeks

—27

*Nay:* Mr. Gulledge. —1

Mr. Bailey moved that the Senate reconsider the vote by which the Bill, S. B. 293, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

#### FURTHER CONSIDERATION OF S. B. 283

The Senate proceeded to further consideration of the Bill, S. B. 283, as amended.



And said Bill, S. B. 283, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 8.

*Yeas:*

Messrs.:	Gulledge	Parsons	Vacca	
Britnell	Holmes	Proctor	Weeks	
Cook	Martin	Robertson	White	
Goodwin	McDonald	Smith		—14

*Nays:*

Messrs.:	Denton	Hall	Little	
Barron	Figures	Hilliard	Taylor	
deGraffenried				—8

### BILLS ON THIRD READING RESUMED

The Bill:

S. 290. To amend Section 9-2-7, Code of Alabama 1975, which provides for powers and duties of the Commissioner of Conservation as to game, fish and seafood generally, so as to empower the commissioner to issue no more than 25 special permits for the purpose of promoting Alabama's outdoor recreation.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following amendment to the Bill, S. B. 290, to-wit:

### COMMITTEE AMENDMENT TO S. B. 290

Amend Senate Bill No. 290, page 1, lines 2 and 23, by striking out "25" and inserting "50"

and page 2, line 32 by striking out "25" and inserting "50".

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	McDonald	Smith	
Barron	Gulledge	Mitchem	Taylor	
Britnell	Harrison	Pearson	Vacca	
deGraffenried	Higginbotham	Proctor	White	
Denton	Holmes	Robertson		—18

*Nays:*

—0

And said Bill, S. B. 290, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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891

Yeas 19; Nays 1.

*Yeas:*

Messrs.:	Gulledge	McDonald	Robertson
Britnell	Higginbotham	Miller	Smith
deGraffenried	Holmes	Mitchem	Taylor
Denton	Little	Pearson	Vacca
Goodwin	Martin	Proctor	White

—19

*Nay:* Mr. Harrison. —1

The Bill:

H. 337. To amend Section 20-2-93, Code of Alabama 1975, relating to forfeitures and seizures of property and vehicles used in violation of the Alabama Controlled Substances Act so as to provide for the sale of such property and vehicles and to further provide for the use and disposition of the proceeds from the sale of forfeited property.

was taken up.

On motion of Mr. Kirkland, further consideration of the Bill, H. B. 337, was postponed temporarily.

The Bill:

S. 485. To provide further for the annual salary of the state treasurer of this state.

was taken up.

Mr. Barron offered the following amendment for the Bill, S. B. 485, to-wit:

AMENDMENT TO S. B. 485

Amend Senate Bill No. 485 Page 1 Line 26, by striking out the following after the word "be":

"equal to the annual salary of the highest paid executive department cabinet officer" and insert in lieu thereof the following:

"Forty-five thousand dollars (\$45,000.00 per annum")

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	Mitchem	Taylor
Callahan	Harrison	Parsons	Weeks
Cook	Higginbotham	Proctor	White
deGraffenried	Holmes	Robertson	

—22

*Nays:* —0

And said Bill, S. B. 485, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 2.

*Yeas:*

Messrs.:	Denton	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Gulledge	McDonald	Taylor	
Callahan	Hall	Parsons	Weeks	
Cook	Harrison	Robertson	White	
deGraffenried	Holmes			—21

*Nays:* Messrs.: Higginbotham and Kirkland. —2

### RESOLUTION

Mr. Parsons offered the following Senate Resolution, to-wit:

S. R. 155. COMMENDING MR. J. E. STIBBARDS FOR HIS CONTRIBUTIONS IN THE AREA OF HEALTH CARE FOR CHILDREN IN ALABAMA.

Which was adopted.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 59. To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Management Surplus Reserve Account; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

was taken up.

Mr. Higginbotham offered the following amendment to the Bill, H. B. 59, to-wit:

### AMENDMENT TO H. B. 59

On page 3, in Section 5, on line 29, after the period, insert the following:

It is the further intent of the legislature to use these funds to maintain the present level of road maintenance, as opposed to using said funds to place the state in a competitive position with private enterprise.

On page 3, insert the following new Section 6 and renumber the present Sections 6, 7 and 8 accordingly:

Section 6. Any other provision of law to the contrary notwithstanding, at the end of the productive life of a unit of road machinery or equipment covered by the "Equipment Management Surplus Reserve Account" established as provided for in this Act, such unit of road machinery or equipment

shall be sold at the discretion of the highway director, either at public auction as provided for by the laws of the State of Alabama, or by a negotiated sale between the highway department and any other state department or agency, and the proceeds from any such sale, whether at public auction or by such negotiation, shall be paid into the Equipment Management Surplus Reserve Account and credited to the subaccount to which the unit of road machinery or equipment is credited.

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Robertson
Barron	Harrison	Martin	St. John
deGraffenried	Higginbotham	McDonald	Smith
Denton	Holmes	Parsons	Taylor
Goodwin	Keener	Pearson	White
Gulledge	Kirkland	Proctor	—22

*Nays:* —0

And said Bill, H. B. 59, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Holmes	Robertson
Barron	Hall	Little	Smith
Britnell	Harrison	McDonald	Taylor
deGraffenried	Higginbotham	Parsons	Weeks
Denton	Hilliard	Proctor	White
Goodwin			—20

*Nays:* —0

#### MOTION IN WRITING

Mr. Robertson offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 285, on page 84 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 285, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 81. To amend Section 27-29-2, Code of Alabama 1975 (as amended Act Number 80-199, Acts of Alabama 1980), which provides for investments in subsidiaries and affiliates of domestic insurance companies.

was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	St. John	
Bailey	Gulledge	Little	Smith	
Barron	Hall	Martin	Taylor	
Britnell	Harrison	Parsons	Weeks	
deGraffenried	Higginbotham	Proctor	White	
Denton	Holmes			—21

*Nays:*

—0

#### ADJOURNMENT

At 6 o'clock P.M., on motion of Mr. Proctor, in accordance with Joint Resolution and motion heretofore adopted, the Senate adjourned until Tuesday, April 21, 1981, at 1 o'clock P.M.

## TWENTY-FIRST LEGISLATIVE DAY

TUESDAY, APRIL 21, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Wayne Burns, Pastor, Eastdale Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

Mr. St. John moved that the Journal of yesterday be read at length.

Mr. Kirkland offered a substitute motion that the reading of the Journal of yesterday be dispensed with, which motion was lost.

On motion of Mr. Kirkland, the objections of Messrs. St. John, Keener, and deGraffenried, to the above substitute motion were ordered spread upon the Journal.

On motion of Mr. Goodwin, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

Yeas 17; Nays 5.

*Yeas:*

Messrs.:	Harrison	McDonald	Robertson
Barron	Higginbotham	Miller	St. John
Denton	Holmes	Mitchem	Smith
Goodwin	Kirkland	Proctor	Vacca
Gulledge	Little		

—17

*Nays:*

Messrs.:	Figures	Keener	White
deGraffenried	Hilliard		

—5

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twentieth Legislative Day was approved by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 261. BE IF RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn on Thursday, April 23, we adjourn to meet again on Tuesday, April 28; when we adjourn on Tuesday, April 28, we adjourn to meet again on Wednesday, April 29; when we adjourn on Wednesday, April 29, we adjourn to meet again on Thursday, April 30, all dates heretofore stated being in the year 1981.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 261, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MOTION IN WRITING

Mr. Keener offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 489, on page 136 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 489, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## RESOLUTION

Messrs. deGraffenried and Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 156. MOURNING THE DEATH OF MISS ROSEMARY LACKEY OF TUSCALOOSA, ALABAMA.

WHEREAS, in sorrow and deep regret, the Legislature of Alabama notes the tragic death of Miss Rosemary Lackey of Tuscaloosa, Alabama, on April 14, 1981, at the age of just 22 years; and

WHEREAS, Miss Lackey, who at the time of her death was a member of the faculty of the Crumley Chapel Elementary School in Jefferson County, was a native of Tuscaloosa and the beloved daughter of Judge and Mrs. Louis H. Lackey; and

WHEREAS, a 1976 graduate of Tuscaloosa High School, Rosemary Lackey also graduated, cum laude, from the University of Alabama where she was a member of Alpha Delta Pi sorority; and

WHEREAS, she was a member of the First Presbyterian Church of Tuscaloosa and, during her high school and college years, was a member of numerous social, academic and service organizations; and

WHEREAS, as one who loved life and all its joys, Rosemary Lackey also loved people which affection was returned in full measure by all those whose lives she touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we give thanks for her life, we grievously mourn the death of Rosemary Lackey of Tuscaloosa, Alabama, and extend our deepest and sincere sympathy to all her family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to her parents, Judge and Mrs. Louis H. Lackey, that they and their son, Trey Lackey, and other family members may know we truly and deeply share the sorrow of their great loss.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

#### LOCAL BILLS ON THIRD READING

The Bill:

S. 602. Relating to Lee County; providing an expense allowance for the coroner.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Higginbotham	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures	Kirkland		

—25

Nays:

—0

The Bill:

H. 712. Relating to Washington County; providing further for the compensation of the county superintendent of education.

was read a third time at length and passed.



Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Gulledge	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Little		

—25

*Nays:*

—0

The Bill:

H. 735. To repeal Act No. 83, H. 114, 1963 Regular Session (Acts 1963, p. 463), as amended, and Act No. 333, H. 918, 1973 Regular Session (Acts 1973, p. 476), which provide for the compensation of the county superintendent of education in counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Gulledge	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Little		

—25

*Nays:*

—0

The Bill:

H. 782. To provide for a certain road construction and improvement program in Washington County by imposing a certain additional fee on the cost of motor vehicle licenses issued in said county; to prescribe a certain schedule for such program with priorities to be determined by the county commission; to give said commission broad discretion as to plans for financing such program; to provide that such additional fee shall cease to be collected upon completion of such program and to provide that this Act shall become effective upon referendum approval by the electors of the county of such program.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Gulledge	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Little		

—25

*Nays:*

—0

The Bill:

H. 783. To propose an amendment to the Constitution of Alabama of 1901 relating to road bonds for Washington County.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 783, to-wit:

COMMITTEE AMENDMENT TO H. B. 783

Amend House Bill 783, page 2, line 23 after the word "election" by inserting the following: "or any special election"

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hilliard	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Little			—25

*Nays:* —0

And said Bill, H. B. 783, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hilliard	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 812. Relating to Dallas County; to provide that the Probate Judge shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

was read third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor	
Bailey	Goodwin	Martin	St. John	
Barron	Hall	Miller	Taylor	
Britnell	Hilliard	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

*Nays:*

—0

The Bill:

H. 848. To provide for a supplemental salary payable out of the Baldwin County General Fund, the annual sum of Six Thousand Dollars (\$6000.00) per year to all circuit judges and Fifty Four Hundred Dollars (\$5400.00) per year for all district judges, serving within the 28th Judicial Circuit of Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Gulledge	Miller	Teague	
Britnell	Harrison	Mitchem	Vacca	
Callahan	Hilliard	Parsons	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

*Nays:*

—0

The Bill:

H. 869. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Billingsley in Autauga County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor	
Bailey	Goodwin	Martin	St. John	
Barron	Hall	Miller	Taylor	
Britnell	Hilliard	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

*Nays:*

—0

REGULAR SESSION  
21st Day

901

The Bill:

H. 875. Relating to Wilcox County; to amend Section 1 of Act No. 1447, S. 962, of the Regular Session of 1971 (Acts 1971, p. 2471), relating to the compensation of the board of registrars, so as to provide further for such compensation for the period of time from January 1, 1977, through September 30, 1980; and to provide for retroactive effect for such period of time.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	St. John
Barron	Goodwin	Miller	Taylor
Britnell	Hall	Mitchem	Vacca
Callahan	Hilliard	Parsons	Weeks
Cook	Holmes	Pearson	White
Denton	Keener		

—25

*Nays:* —0

The Bill:

H. 886. Relating to Washington County; to amend Act No. 80-274, H. 730, 1980 Regular Session of the Alabama Legislature (Acts of 1980, p. 362), which prohibited the hunting of unantlered deer, so as to grant the Department of Conservation and Natural Resources the power to permit the hunting unantlered deer within designated areas where in the opinion of the Commissioner of Conservation it is necessary for game management purposes.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Gulledge	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Little		

—25

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 81. To amend Section 27-29-2, Code of Alabama 1975 (as amended Act Number 80-199, Acts of Alabama 1980), which provides for investments in subsidiaries and affiliates of domestic insurance companies.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 228. Relative to Legislative meeting dates from Wednesday, April 8 through Thursday, April 23, 1981.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### REPORTS OF COMMITTEES

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan (With Substitute):

S. 120. To amend Act No. 80-658 of the 1980 Legislature of Alabama to authorize any banking corporation or trust company organized under the laws of this state to convert into and merge or consolidate with a national banking association without the approval of any state authority but with the consent of the holders of a majority in amount of its stock, to provide that stockholders' meetings for such purposes be called by resolution of the board of directors, to provide the procedure for notice or waiver of notice to stockholders of such meetings, to provide for the vesting in such national banking association of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such national banking association of all the rights, duties and obligations of such state banking corporation or trust company in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in respect to any

executorship, trusteeship, administration of estate or other similar fiduciary relation, to provide that the rights of dissenting shareholders be governed by the applicable laws of Congress, to entitle dissenting shareholders to receive in cash the value of their shares in the state bank, to provide that any bank, whether a national or a state bank, surviving or resulting from a merger, conversion or consolidation (defined as a "reorganization") may, regardless of the county of location of the principal office of such bank, continue to maintain and operate all banking offices maintained and operated at the time of said reorganization and with appropriate regulatory approval, thereafter establish and operate additional banking offices in counties where banking offices are maintained at the time of the reorganization to the same extent that the bank which was a party to said reorganization could, under laws in effect at the time of the proposed establishment, have established additional banking offices had it not participated in such reorganization, to provide that this Act shall not be deemed to confer upon a bank resulting from or surviving a reorganization the right to establish additional banking offices which could not have been established by a bank which was a party thereto had such reorganization not occurred, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Weeks:

S. 494. To amend Section 27-15-28 and Section 27-36-7, Code of Alabama, 1975, as amended, which relate to the standard nonforfeiture law and the standard valuation law of life insurance and annuity contracts so as to provide a system for automatic annual updating of the statutory valuation and nonforfeiture interest rate standards applicable to new business, to provide new mortality tables for ordinary life insurance and to authorize the Commissioner of Insurance to promulgate more modern life insurance annuity and disability tables; to change the excess initial expense where used to determine minimum nonforfeiture values for life insurance; to provide technical changes to simplify compliance with the laws and to handle new products; and to authorize the Insurance Commissioner to promulgate valuation and nonforfeiture regulations to accommodate life insurance plans providing for future premium determination and plans for which minimum reserves or nonforfeiture values cannot be expressly determined.

By Mr. Cook:

S. 566. To amend Section 40-15-13, Code of Alabama of 1975, concerning liens for Estate Tax purposes.

By Mr. Cook:

S. 567. To amend Section 16-13-99, Code of Alabama of 1975, which Section relates to place and method of payment of warrants, by eliminating therefrom the schedule of maximum fees to be paid a Paying Agent for the services performed in acting as Paying Agent for the services performed in acting as Paying Agent of a board of education and as reimbursement for expenses incurred in remitting payments of warrants and/or coupons therefrom and substituting therefor a provision that a board of education shall pay such reasonable fees for such services, and as such reimbursement as may be negotiated and agreed upon by the board of education and its Paying Agent.

By Rep. Cabaniss:

H. 237. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (with notice and proof):

S. 590. Relating to Marshall County; to provide for an increase in salary for the members of the jury commission of said county.

By Mr. Mitchem (with notice and proof):

S. 597. Relating to Marshall County; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

By Mr. Mitchem (with notice and proof):

S. 589. Relating to Marshall County; to provide for an increase in salary for the members of the board of equalization of said county.

By Reps. Carothers, Grimsley and Daniels (with notice and proof):

H. 421. To create the office of license commissioner in Houston County; to provide for his appointment; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

By Reps. Carothers, Grimsley and Daniels (with notice and proof):

H. 765. Relating to the City of Dothan Pension and Retirement System; further amending Sections 5 and 10 of Act No. 103, H. 363 of the 1953 Regular Session (Acts 1953, Vol. I, p. 145), as amended, so as to provide further for creditable service and the perpetuity of the system and relief of members already retired and future retirees.

By Rep. Waggoner (with notice and proof):

H. 798. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

By Rep. Waggoner (with notice and proof):

H. 799. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

By Rep. Dial (with notice and proof):

H. 819. Relating to Cleburne County; providing an additional expense allowance for the county tax assessor.

By Rep. Minus (with notice and proof):

H. 864. Relating to Choctaw County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

By Rep. Minus (with notice and proof):

H. 865. Relating to Choctaw County, authorizing the county governing body to provide for salaries of clerical and secretarial employees which may be hired from time to time to staff the offices of the tax assessor and tax collector.

By Rep. Minus (with notice and proof):

H. 866. Relating to Choctaw County; amending the title and Sections 1, 2, and 4 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), and Act No. 80-295, H. 796, 1980 Regular Session (Acts 1980, p. 409-410), relating to the appointment of the county superintendent of education, so as to provide for the election and further for the qualifications and compensation of such officer.

By Rep. Daniels (with notice and proof):

H. 896. Relating to Geneva County; providing further for the compensation of the coroner and repealing Act No. 56, H. 96, 1959 Regular Session (Acts 1959, p. 223).

By Rep. Daniels (with notice and proof):

H. 897. Relating to Geneva County; amending Act No. 75, H. 44, 1967 Regular Session, (Acts 1967, p. 107), so as to increase the fee for issuance of pistol permits.

By Reps. Penry and McMillan (with notice and proof):

H. 901. Relating to Baldwin County; directing and requiring Baldwin County Commission to provide for the holding of an advisory election relative to the levying of an additional sales tax to be distributed to the County Board of Education of the said County and used for certain specified public school purposes.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Lewis, Amari, Bennett, Payne, Bedsole, Howard, Harper (O) and Seibels:

H. 218. To amend several sections of present law relating to public health. The sections amended include 22-11-1, 22-11-2, 22-11-3, 22-11-4, 22-11-5, 22-11-6, 22-11-7, 22-11-8, 22-11-12, 22-11-13, 22-11-14, 22-11-15, 22-11-16, 22-12-3, 22-12-4, 22-20-2, Code of Alabama, 1975, relating to notifiable diseases, and repeals Section 22-13-12, Code of Alabama, 1975, relating to cancer treatment reports.



By Mr. Britnell:

S. 394. To provide for the regulation of the practice of occupational therapy; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members, and their powers, duties and compensation; to provide requirements for licenses to practice occupational therapy; to prescribe qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this Act; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide penalties for violations of this Act; and to provide for appeal or review.

By Rep. Dixon:

H. 657. To amend Section 34-9-7, Section 34-9-9, Section 34-9-18, Section 34-9-19, Section 34-9-20, Section 34-9-42 and Section 34-9-43, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 438. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975, regarding paint; labeling requirements; provisions for enforcement; collection of inspection fees; penalty for violation.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Gafford:

H. 287. To amend Section 5 of Act No. 738, S. 533 of the 1980 Regular Session, which act provides for allowable interest surcharge, allowable interest rates or finance charges determined by the prime rate charged by certain banks, and open-end credit plans, so as to change the termination date provisions of this act.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Reps. Roberts and Patton:

H. 357. To authorize and make provision for the incorporation through the joint action of any county and any single municipality located in such county of one or more public corporations for the purpose of acquiring, maintaining and operating public hospitals and appurtenant facilities in such county; to provide for the election and compensation of directors of any

such corporations; to provide for the powers, authorities and duties of any such corporation and its board of directors; to provide for the issuance by any such corporation for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of any taxes allocated or appropriated to it or revenues from any of its hospital facilities, or any combination of any thereof; to provide that such securities shall be secured by a pledge of the revenues from which they are payable and may be secured by non-foreclosable mortgages and deeds of trust and trust indentures and other agreements respecting the application of its funds and other matters; to provide for the use of the proceeds of any such securities issued by any such corporation; to provide for the refunding by any such corporation of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such corporation pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such corporation eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of any such corporation, and all securities issued by any such corporation and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such corporation is a party, from all taxation in the state; to exempt every such corporation from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such corporation from payment of certain charges to Judges of Probate; to exempt every such corporation from all laws of the State governing usury or prescribing or limiting interest rates; to grant to every such corporation the power of eminent domain; to make applicable to every such corporation certain provisions of Title 22 of the Code of Alabama of 1975 pertaining to the designation of county health agencies and the application of certain county taxes; to make applicable to every such corporation certain provisions of Title 11 of the Code of Alabama of 1975 pertaining to tort claims and judgments against local governmental entities; to authorize any county authorizing the creating of such a corporation and any municipal or public corporation or agency in such county to donate hospital facilities and other property to such corporation; to provide for the disposition of the earnings, if any, of any such corporation; and to provide for the dissolution of any such corporation and the disposition of its property.

By Mr. Britnell (With Substitute):

S. 444. To provide for mechanical sewage treatment plants for use to treat wastewater from individual homes.

By Mr. White:

S. 132. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

By Mr. Smith:

S. 386. To amend Section 41-6A-3 of the Code of Alabama 1975, which provides for the creation and organization of the Alabama department of energy so as to remove the requirement that the director of the department be a member of the Alabama state employees retirement system; and to make correction in name of system.

By Messrs. Parsons, Robertson and Harrison:

S. 423. To amend Section 40-23-4, Code of Alabama 1975, which relates to exemptions from the state sales tax, so as to exempt the gross receipts on the sale of wood residue from such tax.

By Messrs. Smith, McDonald and Harrison (With Amendment):

S. 359. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize active solar energy devices.

By Messrs. Smith, McDonald and Harrison (With Amendment):

S. 360. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize passive solar energy.

By Reps. Patton, Payne, Bedsole and Amari:

H. 118. To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

#### CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

H. 357. To authorize and make provision for the incorporation through the joint action of any county and any single municipality located in such county of one or more public corporations for the purpose of acquiring, maintaining and operating public hospitals and appurtenant facilities in such county; to provide for the election and compensation of directors of any such corporations; to provide for the powers, authorities and duties of any such corporation and its board of directors; to provide for the issuance by any such corporation for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of any taxes allocated or appropriated to it or revenues from any of its hospital facilities, or any combination of any thereof; to provide that such securities shall be secured by a pledge of the revenues from which they are payable and may be secured by non-foreclosable mortgages and deeds of trust and trust indentures and other agreements respecting the application of its funds and other matters; to provide for the use of the proceeds of any such securities issued by any such corporation; to provide for the refunding by any such corporation of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such corporation pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such corporation eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of any such corporation, and all securities issued by any such corporation and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such corporation is a party, from all taxation in the state; to exempt every such corporation from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such corporation from payment of certain charges to Judges of Probate; to exempt every such corporation from all laws of the State governing usury or prescribing or limiting interest rates; to grant to every such corporation the power of eminent domain; to make applicable to every such corporation certain provisions of Title 22 of the Code of Alabama of 1975 pertaining to the designation of county health agencies and the application of certain county taxes; to make applicable to every such corporation certain provisions of Title 11 of the Code of Alabama of 1975 pertaining to tort claims and judgments against local governmental entities; to authorize any county

authorizing the creation of such a corporation and any municipal or public corporation or agency in such county to donate hospital facilities and other property to such corporation; to provide for the disposition of the earnings, if any, of any such corporation; and to provide for the dissolution of any such corporation and the disposition of its property.

was taken up.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 116. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

Also:

S. 483. To authorize the Wilcox County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering wine to retailers in Wilcox County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

Also:

S. 506. To exempt the Chattahoochee Valley Hospital Society from the payment of all county and municipal sales and use taxes.

Also:

S. 507. Relating to Chambers County; providing for an additional allowance for election officials who work at polling places.

Also:

S. 547. Relating to Randolph County; providing for an additional allowance for election officials who work at polling places.

Also:

S. J. R. 129. COMMENDING MRS. DARLENE F. PATTON, PROMINENT ONEONTA PHARMACIST AND CIVIC LEADER.

Also:

S. J. R. 133. MOURNING THE DEATH OF ALABAMA NATIVE AND WORLD HEAVYWEIGHT BOXING CHAMPION, JOE LOUIS.

Also:

S. J. R. 134. DECLARING THE WEEK OF MAY 31-JUNE 6, 1981 ALABAMA POULTRY WEEK.

Also:

S. J. R. 137. MEMORIALIZING CONGRESS AND THE SMALL BUSINESS ADMINISTRATION TO KEEP THE PROMISES MADE TO ALABAMA FARMERS IN REGARD TO LOANS PROMISED DURING THE DISASTER CROP YEAR OF 1980.

Also:

S. J. R. 139. COMMENDING PRESIDENT RONALD REAGAN FOR HIS PRESIDENTIAL PARDON OF W. MARK FELT AND EDWARD S. MILLER.

Also:

S. J. R. 142. HONORING DR. SAUNDERS EARL WALKER, PROFESSOR OF ENGLISH AND SPEECH, MILES COLLEGE, BIRMINGHAM, ALABAMA.

Also:

S. J. R. 144. HONORING DR. EMMA MILLS CLEMENT WALKER OF BIRMINGHAM, ALABAMA.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### MOTIONS IN WRITING

Mr. Taylor offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 358, on page 41 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 358, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. White offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 69, on page 2 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 69, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Lemaster (with notice and proof):

S. 617. Relating to DeKalb County; to provide for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 617, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Teague:

S. 618. To prohibit and provide penalties for criminal provocation.

Committee on Judiciary.

By Messrs. Teague, Figures, Parsons, Keener, Hilliard, Proctor, and Kirkland:

S. 619. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; providing for the appointment of deputy registrars to aid in the re-identification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Committee on Governmental Affairs.

By Mr. Hall (with notice and proof):

S. 620. Relating to Jefferson County; prescribing procedure for payment of the cost of construction of sewage system lines within the county.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 620, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hall (with notice and proof):

S. 621. Relating to Jefferson County; providing for the method of electing the county board of education.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 621, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hall:

S. 622. To provide for a certain increase in retirement pensions for persons eligible to receive such pensions under the provisions of Act No. 497 of the Regular Session of the Legislature 1965 (Acts 1965, p. 717), as amended, which established a retirement system for employees and officers of Jefferson County, Alabama.

Committee on Local Legislation No. 2.

By Mr. Lemaster:

S. 623. To give the County Health Officer or his designee the authority to determine the procedure, the method, the size of septic tank and the length, width and depth of field lines necessary for installing sewerage systems for single family residences. To grant the County Health Officer or his designee the authority to determine the site location for such system and to determine if there should be a percolation test performed prior to installation. To provide a method by which an applicant can receive permits for such installation.

Committee on Governmental Affairs.

By Mr. Keener:

S. 624. Re-opening the Teachers' and Employees' Retirement Systems of Alabama for certain non-membership service resulting from a lay-off; providing that as a prerequisite to obtaining such credit, said member must be an active and contributing member of either the Employees' or Teachers' Retirement System and prescribing the effective period of this re-opening.

Committee on Finance and Taxation.

By Mr. Gulledge:

S. 625. Relating to privilege or license taxes on mortgages, deeds of trust, contracts of conditional sale or other instruments of like character received for record or for filing: To amend Section 40-22-2, Code of Alabama 1975, which provides for the payment of privilege or license taxes for recording or filing of mortgages, deeds of trust, contracts of conditional sale and other instruments of like character so as to provide an alternative procedure for the recording of instruments securing open end or revolving indebtedness with any interest in residential property, and to provide that such privilege or license taxes shall be based upon the maximum principal indebtedness to be secured by such instrument at any time as stated in such instrument or any amendment thereto, irrespective of the cumulative amount advanced from time to time thereunder.

Committee on Finance and Taxation.

By Messrs. Cook, Parsons, Vacca, Hilliard and White (with notice and proof):

S. 626. To further amend Act No. 497, Regular Session of the Legislature of Alabama of 1965, (Ala. Acts, 1965, pp. 717-739) establishing a pension system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 626, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Mitchem:

S. 627. To amend Sections 2-8-161, 2-8-170 and 2-8-171, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect and remit an assessment upon the sale of

hens; to provide penalties to be imposed against sellers for failure or refusal to collect and remit assessments and to have their books examined; to provide for the issuance of permits to sellers of hens.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Callahan (with notice and proof):

S. 628. To propose an amendment to the Constitution of Alabama with respect to the filling of vacancies in the office of judge of the circuit court and the office of judge of the district court of Mobile County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 628, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Mitchem:

S. 629. To propose an amendment to the Constitution of Alabama 1901; to amend Constitutional Amendment No. 214 relating to the promotion of poultry and poultry products, allowing the legislature by general law to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit association; to provide that no assessment levied shall exceed 2 1/2¢ per hen, or other domesticated fowl or other classes of poultry.

Committee on Agriculture, Conservation,  
and Forestry.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Mitchem:

S. 630. To amend Section 2-8-159, Code of Alabama 1975, relating to a referendum held by egg producers assessing monies to be used for poultry promotion; to limit the amount of assessment to not more than 2 1/2¢ per hen.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Hall:

S. 631. Relating to elections; to create the Fair Political Practices Commission; to provide for the designation of a principal campaign committee by each candidate for election to state office; to provide for the registration of political committees (including the principal campaign committee of each candidate) with the state; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to provide for the implementation and enforcement of the act; to define terms used in this act; to provide for the



disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising, to prohibit the intimidation of voters, certain expenditures to influence voting, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, any contribution of currency in excess of a specified amount, fraudulent misrepresentations of campaign authority, and certain enumerated corrupt practices with respect to elections; to provide penalties for the violation of the provisions of the act; and to repeal Chapter 22 of Title 17 of the CODE OF ALABAMA, 1975.

Committee on Governmental Affairs.

By Mr. Pearson:

S. 632. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

#### FURTHER CONSIDERATION OF H. B. 357

The Senate proceeded to further consideration of the Bill, H. B. 357.

And said Bill, H. B. 357, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Smith	
Bailey	Higginbotham	Martin	Taylor	
Barron	Holmes	Miller	Teague	
deGraffenried	Keener	Proctor	Weeks	
Goodwin	Kirkland	St. John	White	
Gulledge				—20

*Nays:* —0

Mr. St. John moved that the Senate reconsider the vote by which the Bill, H. B. 357, was passed.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 840. To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 840, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 16th day of April, 1981.

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 840 without my signature and approval and with the following suggested Executive Amendment. This amendment would correct a typographical error.

In Section 1, Line 17 following the word "Act" delete the numbers "2481" and add in lieu thereof the numbers "2431".

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill H. B. 840 by a vote of: Yeas 35, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of: Yeas 44, Nays 0.

And said Bill, H. B. 840, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 840, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Parsons	Vacca	
Cook	Hilliard	Pearson	Weeks	
Denton	Holmes	Proctor	White	
Figures	Keener			—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 840, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Parsons	Vacca	
Cook	Hilliard	Pearson	Weeks	
Denton	Holmes	Proctor	White	
Figures	Keener			—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

## FURTHER CONSIDERATION OF H. B. 357

The Senate proceeded to further consideration of the Bill, H. B. 357. The question was on the motion of Mr. St. John that the Senate reconsider the vote by which the Bill, H. B. 357, was passed.

## MOTION IN WRITING

Mr. Gulledge offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 527, on page 120 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 527, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Kirkland offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 333, on page 130 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 333, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Kirkland then offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 216, on page 95 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 216, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama  
Gentlemen:

I herewith transmit to you a message from the Governor relative to a reappointment to the Board of Appeals of the Industrial Relations Department.

Respectfully submitted,  
BOB A. DAVIS,  
State Administrations Officer.

Done this 21st day of April, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama  
Gentlemen:

I have reappointed, subject to your confirmation, the following:

Mr. Kenneth W. Underwood, Jr.  
P.O. Box 200  
Montgomery, Alabama 36101  
Term expiring March 28, 1987

as a member of the Board of Appeals of the Industrial Relations Department.

Respectfully,  
FOB JAMES,  
Governor.

Done this 21st day of April, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Appeals of the Industrial Relations Department, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF H. B. 357

The Senate proceeded to further consideration of the Bill, H. B. 357. The question was on the motion of Mr. St. John that the Senate reconsider the vote by which the Bill, H. B. 357, was passed.

On motion of Mr. Martin, the motion to reconsider was laid on the table.

## CONSENT CALENDAR

## BILLS ON THIRD READING RESUMED

The Bill:

S. 444. To provide for mechanical sewage treatment plants for use to treat wastewater from individual homes.  
was taken up.

On motion of Mr. Smith, further consideration of the Bill, S. B. 444, was postponed temporarily.

The Bill:

S. 132. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

was read third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 9.

*Yeas.*

Messrs.:	Holmes	Mitchem	St. John	
Cook	Kirkland	Parsons	Smith	
Goodwin	Little	Pearson	White	
Hall	Martin	Proctor		—14

*Nays:*

Messrs.:	Denton	Miller	Teague	
Barron	Harrison	Robertson	Weeks	
deGraffenried	Keener			—9

## MESSAGE FROM THE GOVERNOR

To The Senate of Alabama  
State Capitol  
Montgomery, Alabama  
Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Tuscaloosa City Civil Service Board.

Respectfully submitted,  
BOB A. DAVIS,  
State Administrations Officer.

Done this 21st day of April, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama  
Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. J. Russell Gibson, III, Tuscaloosa, Alabama  
Replacing Mr. Sam M. Phelps  
Term expiring May 15, 1985

as a member of the Tuscaloosa City Civil Service Board.

Respectfully,  
FOB JAMES,  
Governor.

Done this 21st day of April, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuscaloosa City Civil Service Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Civil Service Board of Tuscaloosa County.

Respectfully submitted,  
BOB A. DAVIS,  
State Administrations Officer.

Done this 21st day of April, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Thomas M. Smith, Tuscaloosa, Alabama  
Replacing Mr. Percy Graham  
Term expiring May 15, 1985

as a member of the Civil Service Board of Tuscaloosa County.

Respectfully,  
FOB JAMES,  
Governor.

Done this 21st day of April, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Civil Service Board of Tuscaloosa County, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 59. To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to

accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Management Surplus Reserve Account; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extra-ordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 712. Relating to Washington County; providing further for the compensation of the county superintendent of education.

Also:

H. 735. To repeal Act No. 83, H. 114, 1963 Regular Session (Acts 1963, p. 463), as amended, and Act No. 333, H. 918, 1973 Regular Session (Acts 1973, p. 476), which provide for the compensation of the county superintendent of education in counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census.

Also:

H. 782. To provide for a certain road construction and improvement program in Washington County by imposing a certain additional fee on the cost of motor vehicle licenses issued in said county; to prescribe a certain schedule for such program with priorities to be determined by the county commission; to give said commission broad discretion as to plans for financing such program; to provide that such additional fee shall cease to be collected upon completion of such program and to provide that this Act shall become effective upon referendum approval by the electors of the county of such program.

Also:

H. 812. Relating to Dallas County; to provide that the Probate Judge shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

Also:

H. 848. To provide for a supplemental salary payable out of the Baldwin County General Fund, the annual sum of Six Thousand Dollars (\$6000.00) per year to all circuit judges and Fifty Four Hundred Dollars (\$5400.00) per year for all district judges, serving within the 28th Judicial Circuit of Alabama.

Also:

H. 869. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Billingsley in Autauga County.

Also:

H. 875. Relating to Wilcox County; to amend Section 1 of Act No. 1447, S. 962, of the Regular Session of 1971 (Acts 1971, p. 2471), relating to the compensation of the board of registrars, so as to provide further for such compensation for the period of time from January 1, 1977, through September 30, 1980; and to provide for retroactive effect for such period of time.

Also:

H. 886. Relating to Washington County; to amend Act No. 80-274, H. 730, 1980 Regular Session of the Alabama Legislature (Acts of 1980, p. 362), which prohibited the hunting of unantlered deer, so as to grant the Department of Conservation and Natural Resources the power to permit the hunting of unantlered deer within designated areas where in the opinion of the Commissioner of Conservation it is necessary for game management purposes.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### POINT OF PERSONAL PRIVILEGE

Mr. Holmes requested that the following statement, regarding passage through both Houses of his Bill, S. B. 60, be spread upon the Journal, to-wit:

Mr. President and colleagues of the Senate. I have just received word that the Alabama House of Representatives has passed Senate Bill 60, that I introduced in this body, in regard to voluntary prayer in public schools.

Gentlemen, by passage of this bill by the Alabama Legislature, our children in this state will have the opportunity of sharing in their spiritual heritage of this state and this country.

The United States as well as the state of Alabama was founded by people with a belief in God.

I believe this effort to return voluntary prayer to our public schools, for it would return us to the original position of the writers of the Constitution. . . . that is, local philosophies and beliefs.

Hundreds of Alabamians have urged my continued support for permitting school prayer. Since coming to the Alabama Senate, I have worked hard on legislation to accomplish the return of voluntary prayer in our public schools and to return to basic moral fiber.

I strongly urge the Governor to sign this legislative mandate soon. Even though this is a far cry from where this country and state were years ago, it is a beginning and a step in the right direction.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 105. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount; and to provide certain exceptions thereto.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 105, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE AMENDMENT TO S. B. 105

Amend S. B. 105, as follows:

On page 4, line 11, after subsection (c), add the following language:

"(d) The provisions of this article shall not apply to the sale or disposal of tangible personal property by the State Highway Department when the purchaser or recipient of such property is a county governing body or municipal governing body of this state. Such tangible personal property may be sold or released to any such governing body in such manner and on such terms as the State Highway Director deems in the best interest of the state; provided that all proceeds from any sale under the provisions of this subsection shall be paid into the State Treasury to the credit of the public road and bridge fund for the use of the State Highway Department;" provided that the County or Municipal governing body shall certify to the Highway Director that the property will be retained for use for a period of at least two (2) years by the government making the purchase and it cannot be sold or traded for a period of two (2) years.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Robertson
Barron	Harrison	Miller	St. John
Callahan	Holmes	Mitchem	Smith
Cook	Keener	Pearson	Teague
deGraffenried	Little	Proctor	Vacca

—19

Nays:

—0

## REPORT FROM THE COMMITTEE ON RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the Bill:

H. 489. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

having received five written objections, is being returned to the Senate for placement at the end of the Regular Order Calendar, pursuant to the provisions of Senate Rule 14 (3).

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 386. To amend Section 41-6A-3 of the Code of Alabama 1975, which provides for the creation and organization of the Alabama department of energy so as to remove the requirement that the director of the department be a member of the Alabama state employees retirement system; and to make correction in name of system.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Goodwin	Little	Robertson
Barron	Hall	Martin	St. John
Britnell	Harrison	Miller	Smith
Cook	Holmes	Mitchem	Taylor
deGraffenried	Keener	Pearson	—18

Nay: Mr. Proctor. —1

The Bill:

S. 423. To amend Section 40-23-4, Code of Alabama 1975, which relates to exemptions from the state sales tax, so as to exempt the gross receipts on the sale of wood residue from such tax.

was taken up.

On motion of Mr. Keener, further consideration of the Bill, S. B. 423, was postponed temporarily.

The Bill:

S. 359. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize active solar energy devices.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 359, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 359

Amend Section 11, Page 5, Line 7 to read as follows:

Section 11. This act shall become effective immediately upon with tax years beginning January 1, 1981 following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Harrison	Little	Smith
Cook	Higginbotham	McDonald	Taylor
Denton	Holmes	Miller	Teague
Goodwin	Keener	Robertson	Vacca
Gulledge	Kirkland	St. John	White

—19

*Nays:*

—0

On motion of Mr. Smith, the Rules were suspended and he was granted permission to offer the following amendment to the Bill, S. B. 359, as amended, to-wit:

#### AMENDMENT TO S. B. 359

Amend Section 1, Page 1, Line 22 to read as follows:

Section 1. The following percentages of the active solar energy expenditures made by an individual taxpayer shall be allowed as a credit against the tax imposed by Section 40-18-2 of the Code of Alabama 1975:

After	and	Before	Percentage
December 31, 1979	1980	January 1, 1981	25
December 31, 1980	1981	January 1, 1982	20
December 31, 1981	1982	January 1, 1983	15
December 31, 1982	1983	January 1, 1984	10
December 31, 1983	1984	January 1, 1985	5
December 31, 1984	1985	January 1, 1986	0

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Smith	
Barron	Gulledge	Kirkland	Taylor	
Cook	Hall	Miller	Teague	
deGraffenried	Harrison	Parsons	Vacca	
Denton	Holmes	St. John	White	—19

*Nays:* —0

And said Bill, S. B. 359, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Harrison	McDonald	Smith	
Barron	Higginbotham	Miller	Taylor	
Cook	Hilliard	Mitchem	Teague	
deGraffenried	Holmes	Parsons	Vacca	
Denton	Keener	Robertson	Weeks	
Gulledge	Kirkland	St. John	White	—25
Hall	Martin			

*Nays:* —0

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 357. To authorize and make provision for the incorporation through the joint action of any county and any single municipality located in such county of one or more public corporations for the purpose of acquiring, maintaining and operating public hospitals and appurtenant facilities in such county; to provide for the election and compensation of directors of any such corporations; to provide for the powers, authorities and duties of any such corporation and its board of directors; to provide for the issuance by any such corporation for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of any taxes allocated or appropriated to it or revenues from any of its hospital facilities, or any combination of any thereof; to provide that such securities shall be secured by a pledge of the revenues from which they are payable and may be secured by non-foreclosable mortgages and deeds of trust and trust indentures and other agreements respecting the application of its funds and other matters; to provide for the use of the proceeds of any such securities issued by any such corporation; to provide for the refunding by any such corporation of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such corporation pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such corporation eligible investments for various governmental bodies and

fiduciaries; to exempt the property and income of any such corporation, and all securities issued by any such corporation and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such corporation is a party, from all taxation in the state; to exempt every such corporation from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such corporation from payment of certain charges to Judges of Probate; to exempt every such corporation from all laws of the State governing usury or prescribing or limiting interest rates; to grant to every such corporation the power of eminent domain; to make applicable to every such corporation certain provisions of Title 22 of the Code of Alabama of 1975 pertaining to the designation of county health agencies and the application of certain county taxes; to make applicable to every such corporation certain provisions of Title 11 of the Code of Alabama of 1975 pertaining to tort claims and judgments against local governmental entities; to authorize any county authorizing the creation of such a corporation and any municipal or public corporation or agency in such county to donate hospital facilities and other property to such corporation; to provide for the disposition of the earnings, if any, of any such corporation; and to provide for the dissolution of any such corporation and the disposition of its property.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 840. To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 360. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize passive solar energy.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 360, to-wit:

COMMITTEE AMENDMENT TO S. B. 360

Amend Section 11, Page 6, Line 17 to read as follows:

Section 11. This Act shall become effective immediately upon with tax years beginning January 1, 1981 following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Barron	Gulledge	McDonald	Taylor	
Britnell	Hall	Miller	Teague	
Callahan	Higginbotham	Mitchem	Vacca	
Cook	Holmes	Parsons	Weeks	
deGraffenried	Keener	Robertson	White	
Denton	Kirkland			—25

Nays: —0

On motion of Mr. Smith, the Rules were suspended and he was granted permission to offer the following amendment to the Bill, S. B. 360, as amended, to-wit:

AMENDMENT TO S. B. 360, AS AMENDED

Amend Section 1, Page 1, Line 22 to read as follows:

Section 1. The following percentages of the passive solar energy expenditures made by an individual taxpayer shall be allowed as a credit against the tax imposed by Section 40-18-2 of the Code of Alabama 1975:

After	and	Before	Percentage	
December 31, 1979	1980	January 1, 1981	1982	12½
December 31, 1980	1981	January 1, 1982	1983	10
December 31, 1981	1982	January 1, 1983	1984	7½
December 31, 1982	1983	January 1, 1984	1985	5
December 31, 1983	1984	January 1, 1985	1986	2½
December 31, 1984	1985			0

Amend Section 2, Page 3, line 32 to read as follows:

7 (B) After word "must" add the word "not"

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Taylor	
Barron	Gulledge	Martin	Teague	
Britnell	Hall	McDonald	Vacca	
Cook	Higginbotham	Parsons	Weeks	
deGraffenried	Hilliard	Smith	White	
Denton	Keener			—21

*Nays:* —0

And said Bill, S. B. 360, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	McDonald	Smith	
Barron	Hall	Mitchem	Taylor	
Britnell	Harrison	Parsons	Teague	
Cook	Holmes	Proctor	Vacca	
deGraffenried	Keener	Robertson	Weeks	
Denton	Kirkland	St. John	White	
Figures	Martin			—25

*Nays:* —0

### MOTION IN WRITING

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 503, on page 126 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 503, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 157. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 21st legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 489	136	Current Use
S. B. 525	134	Budget
S. B. 588	122	Franchise Agreements, contracts, retail & wholesale
S. B. 501	119	Ala. Agricultural Dev. Auth. invest fund

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S. B. 34	25	Acting Pres. of U of Ala., retr.
S. B. 146	34	Juries, selection process, civil & crim.
S. B. 336	142	Workmen's Comp., emp'l. lawsuits
S. B. 294	62	Hospitals, extra comp., prohibit
S. B. 539	100	Oil & Gas, producers & refiners, regu.
S. B. 540	123	Alcoholic Bev., Lic. for wholesalers, del.
S. B. 385	103	Ala. Rules of the Road Act., am'd
S. B. 141	20	Laws 1980, adpt. into Code, exclude Bus. Corp. Act
S. B. 280	71	Ed., local sup't., vacancies filled
S. B. 49	9	Organization of military dept.
S. B. 218	15	AL. Experiment Station Sys.
S. B. 486	70	Labeling & Marketing of Honey
S. B. 166	26	AL. State Tenure Comm., hearings
S. B. 474	78	Jurors, pass on soundness of mind, paid \$8.00
S. B. 469	63	Probate Court, matters not to be moved to District Court
S. B. 69	2	Schools, K-9, health instruction
H. B. 223	49	Deceptive Trade Practices Act
S. B. 526	105	Contractors, roofing, regu.
S. B. 206	32	Children, legitimation process, guardian
S. B. 275	49	Juvenile Proceedings, age revision
S. B. 279	11	Public warehouse, fire ins.
S. B. 5	46	Hot Pursuit Act
S. B. 164	4	Drugs, Med. Exam. investigators, enforce
S. B. 455	91	Veterinary Medical Examiners
S. B. 96	53	L.E.O., minimum wage
S. B. 250	31	AL. Business Corporation Act, am'd
S. B. 289	65	Muni., Corp., emp'l. Ins. prov.
S. B. 200	25	Schools, report property damage & assaults
S. B. 307	99	School Bldgs., payment to contractors



S. B. 118	28	Ad valorem taxation, delinquent pymt.
S. B. 52	18	National Guard, defense counsel
S. B. 50	17	National Guard, law enforcement powers
H. B. 512	146	Capitol Security
S. B. 347	74	Art Objects, sale of regu.
H. B. 383	133	Relating to Homestead exemptions
S. B. 490	80	Dentists, teaching regu.
S. B. 287	66	Paternity suits, time limit extended

Mr. Parsons offered the following substitute for the Resolution, S. R. 157, to-wit:

#### SUBSTITUTE FOR S. R. 157

S. R. 157. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 21st legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 223	49	Deceptive Trade Practices Act
H. B. 489	136	Current Use
S. B. 525	134	Budget
S. B. 588	122	Franchise Agreements, contracts, retail & wholesale
S. B. 501	119	Ala. Agricultural Dev. Auth., invest fund
S. B. 34	25	Acting Pres. of U of Ala., retr.
S. B. 146	34	Juries, selection process, civil & crim.
S. B. 336	142	Workmen's Comp., emp'l. lawsuits
S. B. 294	62	Hospitals, extra comp., prohibit
S. B. 539	100	Oil & Gas, producers & refiners, regu.
S. B. 540	123	Alcoholic Bev., Lic. for wholesalers, del.
S. B. 385	103	Ala. Rules of the Road Act., am'd
S. B. 141	20	Laws 1980, adpt. into Code, exclude Bus. Corp. Act
S. B. 280	71	Ed., local sup't., vacancies filled
S. B. 49	9	Organization of military dept.

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S. B. 218	15	AL. Experiment Station Sys.
S. B. 486	70	Labeling & Marketing of Honey
S. B. 166	26	AL. State Tenure Comm., hearings
S. B. 474	78	Jurors, pass on soundness of mind, paid \$8.00
S. B. 469	63	Probate Court, matters not to be moved to District Court
S. B. 69	2	Schools, K-9, health instruction
S. B. 526	105	Contractors, roofing, regu.
S. B. 206	32	Children, legitimation process, guardian
S. B. 275	49	Juvenile Proceedings, age revision
S. B. 279	11	Public warehouse, fire ins.
S. B. 5	46	Hot Pursuit Act
S. B. 164	4	Drugs, Med. Exam. investigators, enforce
S. B. 455	91	Veterinary Medical Examiners
S. B. 96	53	L.E.O., minimum wage
S. B. 250	31	AL. Business Corporation Act, am'd
S. B. 289	65	Muni., Corp., empl. Ins. prov.
S. B. 200	25	Schools, report property damage & assaults
S. B. 307	99	School Bldgs., payment to contractors
S. B. 118	28	Ad valorem taxation, delinquent pymt.
S. B. 52	18	National Guard, defense counsel
S. B. 50	17	National Guard, law enforcement powers
H. B. 512	146	Capitol Security
S. B. 347	74	Art Objects, sale of regu.
H. B. 383	133	Relating to Homestead exemptions
S. B. 490	80	Dentists, teaching regu.
S. B. 287	66	Paternity suits, time limit extended

On motion of Mr. McDonald, said substitute was laid on the table.

Yeas 19; Nays 10.

*Yeas:*

Messrs.:	Gulledge	McDonald	Robertson
Bailey	Harrison	Miller	St. John
Britnell	Higginbotham	Mitchem	Smith
Denton	Holmes	Pearson	Taylor
Goodwin	Little	Proctor	Teague

*Nays:*

Messrs.:	deGraffenried	Kirkland	Vacca	
Barron	Hall	Martin	White	
Cook	Keener	Parsons		—10

Mr. White offered the following substitute for the resolution, S. R. 157, to-wit:

## SUBSTITUTE FOR S. R. 157

S. R. 157. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 21st legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 525	134	Budget
S. B. 588	122	Franchise Agreements, contracts, retail & wholesale
S. B. 501	119	Ala. Agricultural Dev. Auth., invest fund
S. B. 34	25	Acting Pres. of U of Ala., retr.
S. B. 146	34	Juries, selection process, civil & crim.
S. B. 336	142	Workmen's Comp., emp'l. lawsuits
S. B. 294	62	Hospitals, extra comp., prohibit
S. B. 539	100	Oil & Gas, producers & refiners, regu.
S. B. 540	123	Alcoholic Bev., Lic. for wholesalers, del.
S. B. 385	103	Ala. Rules of the Road Act., am'd
S. B. 141	20	Laws 1980, adpt. into Code, exclude Bus. Corp. Act
S. B. 280	71	Ed., local sup't., vacancies filled
S. B. 49	9	Organization of military dept.
S. B. 218	15	AL. Experiment Station Sys.
S. B. 486	70	Labeling & Marketing of Honey
S. B. 166	26	AL. State Tenure Comm., hearings
S. B. 474	78	Jurors, pass on soundness of mind, paid \$8.00
S. B. 469	63	Probate Court, matters not to be moved to District Court

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S. B. 69	2	Schools, K-9, health instruction
H. B. 223	49	Deceptive Trade Practices Act
S. B. 526	105	Contractors, roofing, regu.
S. B. 206	32	Children, legitimation process, guardian
S. B. 275	49	Juvenile Proceedings, age revision
S. B. 279	11	Public warehouse, fire ins.
S. B. 5	46	Hot Pursuit Act
S. B. 164	4	Drugs, Med. Exam. investigators, enforce
S. B. 455	91	Veterinary Medical Examiners
S. B. 96	53	L.E.O., minimum wage
S. B. 250	31	AL. Business Corporation Act, am'd
S. B. 289	65	Muni., Corp., empl. Ins. prov.
S. B. 200	25	Schools, report property damage & assaults
S. B. 307	99	School Bldgs., payment to contractors
S. B. 118	28	Ad valorem taxation, delinquent pymt.
S. B. 52	18	National Guard, defense counsel
S. B. 50	17	National Guard, law enforcement powers
H. B. 512	146	Capitol Security
S. B. 347	74	Art Objects, sale of regu.
H. B. 383	133	Relating to Homestead exemptions
S. B. 490	80	Dentists, teaching regu.
S. B. 287	66	Paternity suits, time limit extended

On motion of Mr. McDonald, said substitute was laid on the table.

Yeas 22; Nays 6.

*Yeas:*

Messrs.:	Gulledge	Martin	Robertson
Bailey	Harrison	McDonald	St. John
Britnell	Higginbotham	Miller	Smith
Cook	Holmes	Mitchem	Taylor
Denton	Kirkland	Pearson	Teague
Goodwin	Little	Proctor	

—22

*Nays:*

Messrs.:	Callahan	Figures	White
Barron	deGraffenried	Keener	

—6

And on motion of Mr. McDonald, said Resolution, S. R. 157, was then adopted by the Senate.

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 489. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

### RESOLUTION

Messrs. deGraffenried, Bailey, Barron, Callahan, Cook, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 158. COMMENDING SENATOR CHARLES W. BRITNELL ON HIS APPOINTMENT AS PRESIDENT OF NORTHWEST ALABAMA STATE JUNIOR COLLEGE, PHIL CAMPBELL, ALABAMA.

WHEREAS, it is with utmost pleasure, and in enthusiastic concurrence, that the Alabama Legislature notes the appointment of Senator Charles W. Britnell as President of Northwest Alabama State Junior College at Phil Campbell, Alabama; and

WHEREAS, our good friend and colleague, Charlie Brintnell, is eminently qualified for this prestigious position as a graduate of David Lipscomb College, and of North Texas State University where he received a Master's

Degree in guidance and counseling; he has studied additionally on the graduate level in pursuit of his doctorate in student personnel services in higher education at the University of Alabama; and

WHEREAS, a former real estate broker and building contractor, he is now a member of the faculty of the institution he has been chosen to direct; and

WHEREAS, Mr. Britnell also is a minister of the North Highlands Church of Christ and has further distinguished himself in service to the Legislature and the State of Alabama since his 1978 election to the Alabama Senate, District 2, representing Marion, Lamar and Fayette Counties and portions of Franklin and Colbert Counties, as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and most highly commend Senator Charles W. Britnell as President of Northwest Alabama Junior College, and direct that he be presented with a copy of this resolution in token of our warmest personal regard.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 59. To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Management Surplus Reserve Account; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 152. MOURNING THE DEATH OF MR. DANNY C. MORRISON OF TUSCALOOSA, ALABAMA.

Also:

S. J. R. 153. ENCOURAGING OUR CITIZENS TO SUPPORT THE ECONOMY OF ALABAMA AND THE NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

JOHN W. PEMBERTON,  
Clerk.

### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel William A. Jackson to the rank of Brigadier General in the Alabama Army National Guard.

On motion of Mr. Cook, the appointment of Colonel Jackson was then confirmed by the Senate.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Gulledge	McDonald	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Harrison	Mitchem	Teague	
Cook	Higginbotham	Pearson	Vacca	
deGraffenried	Holmes	Proctor	Weeks	
Denton	Lemaster	Robertson	White	
Goodwin	Little	St. John		—26

*Nays:* —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel Ivan F. Smith to the rank of Brigadier General in the Alabama Army National Guard.

On motion of Mr. Proctor, the appointment of Colonel Smith was then confirmed by the Senate.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	Robertson	
Barron	Hall	McDonald	St. John	
Britnell	Harrison	Miller	Taylor	
Cook	Higginbotham	Mitchem	Teague	
Denton	Holmes	Pearson	Weeks	
Goodwin	Little	Proctor	White	

—23

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McCorquodale, Mitchell, Barton, and Smith (C):

H. J. R. 264. HONORING MR. TOM JOINER FOR EXTRAORDINARY SERVICE WITH THE GEOLOGICAL SURVEY OF ALABAMA SINCE 1961.

Also:

By Reps. McCorquodale and Manley:

H. J. R. 262. EXTENDING BEST WISHES TO MISS ANNE ELIZABETH CAMPBELL AND MR. HAROLD WILLIAM BLOOM, JR.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 264, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 262, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Manley, Roberts, Rains, Adams (H), Bennett, Bowling, Brakefield, Carothers, Carter, Crow, Dial, Drinkard, Gilmer, Grimsley, Grouby, Harper (O), Harvey, Naramore, Olive, Payne, Penry, Ray, Reed, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Trammell, Turner and Williams:

H. J. R. 267. HONORING THE UNITED STATES MARINE CORPS AND ALL THOSE WHO HAVE SERVED IN ITS CAUSE OF FREEDOM.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 267, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 489

The Senate proceeded to further consideration of the Bill, H. B. 489.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 508. Relating to Lee County; providing for an additional allowance for election officials who work at polling places.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 143. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 60. To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 219. To amend §12-19-150, Code of Alabama 1975, to provide that in the interest of justice a judge may, in his discretion enter an order dismissing a case prior to trial, conditioned upon payment of the docket fee and other court costs; and to provide an effective date.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 104. To extend the statute of limitations in regard to violations of the competitive bid laws.

JOHN W. PEMBERTON,  
Clerk.

MOTIONS IN WRITING

Mr. Lemaster offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 367, on page 122 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 367, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Hall offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 191, on page 106 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 191, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Britnell offered the following Senate Resolution, to-wit:

S. R. 159. COMMENDING OUR STATE'S 1A GIRLS BASKETBALL CHAMPIONS, THE VINA HIGH SCHOOL RED DEVILETTES.

Which was adopted.

FURTHER CONSIDERATION OF H. B. 489

The Senate proceeded to further consideration of the Bill, H. B. 489.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 109. To amend §9-11-147 of the Code of Alabama 1975 so as to provide further for the marking and identification of slat boxes used for commercial fishing.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (J) and Carter (with notice and proof):

H. 857. Relating to Limestone County; providing expense allowances and compensation for certain county officials.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 857, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Harvey (with notice and proof):

H. 894. Relating to Blount County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 894, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Smith (C) (with notice and proof):

H. 899. Relating to Chilton County; to provide for and require the reidentification of registered voters; to provide a penalty for wilfully making a false statement in connection with reidentification; and to repeal Act No. 126, Special Session 1962, and all other laws or parts of laws in conflict herewith.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 899, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 900. To provide for the composition of the Marion County Commission relating to the redivision of the representation districts for Marion County; to employ a county engineer and to provide for a road unit system; and to provide a referendum election on the provisions of this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 900, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Cooley and Bowling (with notice and proof):

H. 920. Amending Section 6 of Act No. 573, S. 391, 1976 Regular Session (Acts 1976, p. 780), relating to the revenue commissioner of Cullman County, so as to provide further for the compensation and the retirement of such official.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 920, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Cooley and Bowling (with notice and proof):

H. 921. Relating to Cullman County; to provide for an additional expense allowance for election officials of said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 921, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Cooley and Bowling (with notice and proof):

H. 922. Relating to Cullman County; to approve and validate the amount of certain expenditures paid to the circuit clerk.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 922, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 933. Relating to Shelby County; to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds including the pledging of such proceeds to the payment of obligations; and providing penalties for violations of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. , as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 857, 894, 899, 900, 920, 921, 922, and 933. To the Committee on Local Legislation No. 1.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Howard (with notice and proof):

H. 209. Relating to Jefferson County; defining, regulating the profession and licensing of barbers and barber colleges; establishing a barbering commission; defining the powers and duties of said commission; prescribing the functions of the county commission, the treasurer and the judge of probate relating to the barber commission; and providing penalties for violations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 209, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 209. To the Committee on Local Legislation No. 2.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sandusky:

H. 419. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign., display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

Also:

By Rep. Adams (H):

H. 487. To amend Section 9-16-2 of the Code of Alabama 1975 relating to surface mining reclamation so as to exempt certain chert pits from the provisions of Article 1 of Chapter 16 of Title 9 of the Code of Alabama 1975.

Also:

By Rep. Mitchell:

H. 734. Relating to the functions of the Alabama Board of Funeral Services to amend Sections 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131, Code of Alabama 1975, so as to authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; allow board to increase annual renewal fees for funeral directors and embalmers up to \$25.00 and up to \$100.00 for operators; provide penalties of up to \$25.00 for lapsed licenses; allow board to increase application fees for funeral directors and embalmers up to \$100.00; require board to charge \$75.00 for second or subsequent inspections of prospective licensed establishments; allow board to increase application fee for funeral establishments up to \$300.00; lower minimum age and educational requirements for funeral director or embalmer apprentices; allow the board to increase apprentice fees up to \$20.00; and to require apprentice time to be supervised.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 419 and 487. To the Committee on Commerce, Transportation, and Utilities.

H. B. 734. To the Committee on Governmental Affairs.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus:

H. 737. To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by majority vote of members attending a meeting called to consider conversion.

Also:

By Rep. Gafford:

H. 855. To provide for optional retirement for previously retired state employees.

Also:

By Rep. Owens:

H. 153. To amend Section 36-26-5 of the Code of Alabama 1975, relating to the state personnel board, so as to further provide for the election of one state employee to the board, and the appointment of one member by the Governor to the board.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 737. To the Committee on Banking and Insurance.

H. B. 855. To the Committee on Finance and Taxation.

H. B. 153. To the Committee on Governmental Affairs.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sandusky:

H. 442. To provide that no commercial enterprise or activity shall be maintained, constructed, or located within the right-of-way limits of any highway or bridge on the state highway system whether temporary or permanent, stationary, or portable, except utility structures authorized by permit issued by the state highway department; to further provide the penalties for violations.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 442. To the Committee on Commerce, Transportation, and Utilities.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner:

H. 810. Relating to privilege or license taxes on mortgages, deeds of trust, contracts of conditional sale or other instruments of like character received for record or for filing: To amend Section 40-22-2, Code of Alabama 1975, which provides for the payment of privilege or license taxes for recording or filing of mortgages, deeds of trust, contracts of conditional sale and other instruments of like character so as to provide an alternative procedure for the recording of instruments securing open end or revolving indebtedness with any interest in residential property, and to provide that such privilege or license taxes shall be based upon the maximum principal indebtedness to be secured by such instrument at any time as stated in such instrument or any amendment thereto, irrespective of the cumulative amount advanced from time to time thereunder.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 810. To the Committee on Banking and Insurance.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (J):

H. 369. To authorize the tax assessor to assess property for tax purposes from January 1 through September 30 of each tax year, and the assessment becomes effective on the following October 1.

Also:

By Reps. Payne, Biddle and Lewis:

H. 406. To provide that the use of a firearm or other offensive weapon while committing or attempting to commit a felony shall constitute a separate felony and prescribe penalties.

Also:

By Rep. Harper (T):

H. 411. To amend section 9-12-82, Code of Alabama 1975, relating to oyster license fees, so as to provide for the increase of the commercial oyster tonging license fee; to define commercial versus noncommercial collection of oysters; and to provide penalties for violation of this act.

Also:

By Rep. Harper (T):

H. 624. To increase the license fees for gill and trammel nets used in saltwaters; to provide for nonresident fees; to provide penalties for the violation of this act; and to repeal §9-12-113, Code of Alabama 1975.



Also:

By Rep. Harper (T):

H. 625. To provide for a live bait shrimp dealers license; to regulate the taking and transporting of shrimp for live bait; to regulate the taking of shrimp for commercial and noncommercial purposes by persons other than dealers; to prescribe penalty for persons violating the provisions of this act; and to repeal § 9-12-48, 9-12-55 through 9-12-60 inclusive, and 9-12-92, Code of Alabama 1975.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 369. To the Committee on Finance and Taxation.

H. B. 406. To the Committee on Judiciary.

H. B.'s 411, 624, and 625. To the Committee on Commerce, Transportation, and Utilities.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Penry, Harper (T) and McMillan:

H. 637. To create a crab catcher's license; to establish when such license is required; to create a tagging system for commercial crab traps; to distribute the proceeds of such licenses; and to provide penalties for violation of this act.

Also:

By Reps. Penry and McMillan:

H. 638. To require licensing of businesses engaged in the sale, processing, and packing for resale of seafood and of wholesale and retail outlets selling seafood and to provide penalties for violation of this act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 637 and 638. To the Committee on Commerce, Transportation, and Utilities.

RESOLUTION

Mr. Callahan offered the following Senate Joint Resolution, to-wit:

S. J. R. 160. AMENDING ACT NO. 81-294, S. J. R. 121, 1981 REGULAR SESSION, WHICH CREATES A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 81-294, S. J. R. 121, 1981 Regular Session, is hereby amended to read as follows:

"WHEREAS, the State of Alabama finds a unique opportunity in the large windfall accruing to the state from its recent oil leases; and

"WHEREAS, no legislature in the history of Alabama has had the opportunity to address the critical needs of the state without imposing burdensome taxes upon the people; and

"WHEREAS, the possibility exists of placing the revenues of the oil leases in a perpetual interest fund and/or other investments; and

"WHEREAS, it is the responsibility of this Legislature to carefully and wisely weigh the alternatives of expending these oil lease revenues; now therefore,

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a continuing legislative committee be established, consisting of the seven members of the Senate and the seven members of the House appointed by the Presiding Officer in each house which composes the present membership of the interim committee established by Act No. 81-294 to investigate the feasibility of establishing a perpetual interest fund and any other investment and/or expenditures that would prove to be to the best interest of the taxpayers in the State of Alabama. Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses. Said money shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

"Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work.

"BE IT FURTHER RESOLVED, That the committee meet with the leaders of state agencies, representatives of banks and all other financial institutions to determine the best possible method of investment."

On motion of Mr. Callahan, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 489

The Senate proceeded to further consideration of the Bill, H. B. 489.

## MOTIONS TO ADJOURN

At 6:15 P. M., Mr. McDonald moved that when the Senate adjourns tonight, it adjourn to meet again on Wednesday, April 22, 1981, at 12:01 A. M.

Mr. White offered a substitute motion that when the Senate adjourns tonight, it adjourn to meet again on Wednesday, April 22, 1981, at 8 o'clock A. M.

On motion of Mr. McDonald, said substitute motion was laid on the table.

The question recurred on the motion of Mr. McDonald that when the Senate adjourns tonight, it adjourn to meet again at 12:01 A. M., which motion was adopted.

Yeas 18; Nays 13.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Smith	
Bailey	Gulledge	Little	Taylor	
Britnell	Harrison	McDonald	Teague	
Denton	Higginbotham	Miller	Weeks	
Glass	Holmes	Robertson		—18

*Nays:*

Messrs.:	deGraffenried	Martin	St. John	
Barron	Figures	Parsons	Vacca	
Callahan	Keener	Proctor	White	
Cook	Kirkland			—13

At 6:25 P. M., Mr. White moved that the Senate adjourn until the previously agreed time, which motion was lost.

Yeas 11; Nays 19.

*Yeas:*

Messrs.:	Cook	Keener	St. John	
Bailey	deGraffenried	Kirkland	Vacca	
Barron	Figures	Parsons	White	
				—11

*Nays:*

Messrs.:	Gulledge	Little	Robertson	
Britnell	Harrison	Martin	Smith	
Denton	Higginbotham	McDonald	Taylor	
Glass	Holmes	Miller	Teague	
Goodwin	Lemaster	Pearson	Weeks	
				—19

RECESS

At 6:30 P. M., Mr. Goodwin moved that the Senate take a recess until 9 o'clock tonight.

Mr. White offered a substitute motion that the Senate take a recess until 11:59 tonight, which motion was lost.

Yeas 12; Nays 20.

*Yeas:*

Messrs.:	deGraffenried	Keener	Parsons	
Bailey	Figures	Kirkland	Vacca	
Barron	Hall	Martin	White	
Callahan				—12

*Nays:*

Messrs.:	Harrison	McDonald	St. John	
Britnell	Higginbotham	Miller	Smith	
Denton	Holmes	Pearson	Taylor	
Goodwin	Lemaster	Proctor	Teague	
Gulledge	Little	Robertson	Weeks	—20

The question then recurred on the motion of Mr. Goodwin, which was adopted, and the Senate took a recess until 9 o'clock tonight.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor	
Bailey	Goodwin	Lemaster	Robertson	
Barron	Gulledge	Little	St. John	
Britnell	Hall	Martin	Smith	
Callahan	Harrison	McDoanald	Taylor	
Cook	Higginbotham	Miller	Teague	
deGraffenried	Hilliard	Mitchem	Vacca	
Denton	Holmes	Parsons	Weeks	
Figures	Keener	Pearson	White	—35

FURTHER CONSIDERATION OF H. B. 489

The Senate proceeded to further consideration of the Bill, H. B. 489.

Mr. Keener offered the following amendment to the Bill, H. B. 489, to-wit:

AMENDMENT TO H. B. 489

Amend House Bill No. 489 Page 6 Line 10, by striking out Section (2) in its entirety.

## MOTIONS IN WRITING

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 588, on page 122 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 588, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Britnell offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 361, on page 131 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 361, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## ADJOURNMENT

The hour of Midnight having arrived, in accordance with motion and Resolution heretofore adopted, pending further consideration of the Bill, H. B. 489, the Senate adjourned until Wednesday, April 22, 1981, at 12:01 A. M.

## TWENTY-SECOND LEGISLATIVE DAY

WEDNESDAY, APRIL 22, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Honorable Charlie Britnell, 2nd Senatorial District.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

Mr. Keener moved that the Journal of yesterday be read at length, which motion was lost.

Yeas 6; Nays 23.

Yeas:

Messrs.:	deGraffenried	Keener	White
Barron	Hilliard	Parsons	

—6

Nays:

Messrs.:	Hall	Little	St. John
Bailey	Harrison	Martin	Smith
Britnell	Higginbotham	McDonald	Taylor
Denton	Holmes	Miller	Teague
Goodwin	Kirkland	Proctor	Vacca
Gulledge	Lemaster	Robertson	Weeks

—23

Therefore, the reading of the Journal of yesterday was dispensed with, and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the

Twenty-First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

### COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-First Legislative Day was approved by the Senate.

### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Parsons:

S. 633. To amend section 36-25-1 of the Code of Alabama 1975, as amended, relating to definitions of words and terms used in the code of ethics for public officials and employees, so as to redefine the term "public official" to include municipal judges.

Committee on Judiciary.

By Messrs. Little and Higginbotham (with notice and proof):

S. 634. Relating to Chambers County; providing for the compensation of the deputy district attorney; providing for an effective date; and repealing Act No. 129, S. 54, Special Session 1961 (Acts 1961, p. 2053), as amended.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 634, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Weeks:

S. 635. To provide for the delivery of services to the poor and disadvantaged; to permit counties and municipalities to form county or multi-county, nonprofit, public corporations; to authorize such corporations to implement programs and to construct, maintain, equip, and operate facilities; to provide that such programs and facilities be used in accordance with standards and criteria established by federal and state agencies, boards, and institutions from which grants or contracts may be received so as to eliminate the paradox of poverty in the midst of plenty and to join with other areas of Alabama and the nation in a concerted effort to eliminate poverty by opening to everyone the opportunity of education and training, the opportunity to work, and the opportunity to live in decency and dignity; to provide for the powers, authorities, and duties of such corporations; to authorize said corporations to enter into contracts with any agency for the purpose of carrying into effect the above; to authorize local governing bodies to appropriate moneys for the support of such facilities and programs; to authorize such corporations to assume the facilities, programs, equipment, property and funds from the existing community action agency in particular areas of the state which were

organized as a private nonprofit corporation under the provisions of the Economic Opportunity Act of 1964, as amended; and to repeal any existing law which is in conflict with this act.

Committee on Governmental Affairs.

By Mr. Mitchem (with notice and proof):

S. 636. Relating to Marshall County, to amend Act 197, H. 439, Regular Session 1975, (Acts 1975, p. 682), so as to provide that the board of education may set the superintendent of education expense allowance; to repeal certain acts in conflict.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 636, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hilliard:

S. 637. Proposing an Amendment to the Constitution of Alabama of 1901, relative to repealing Amendments No. 83 and 110; and providing that vacancies occurring in a judicial office in Jefferson County shall be filled as otherwise provided by the Constitution of Alabama of 1901 or statewide law.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Britnell (with notice and proof):

S. 638. Relating to Marion County; to further amend Act No. 80-128, H. 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 638, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

#### MOTION TO RECESS LOST

At 12:09 A.M., Mr. Keener moved that the Senate take a recess until 2 o'clock this afternoon, which motion was lost.

Yeas 8; Nays 21.

Yeas:

Messrs.:  
Barron  
deGraffenried

Hall  
Hilliard

Keener  
Parsons

St. John  
White



*Nays:*

Messrs.:	Harrison	Martin	Smith
Bailey	Higginbotham	McDonald	Taylor
Britnell	Holmes	Miller	Teague
Denton	Kirkland	Proctor	Vacca
Goodwin	Lemaster	Robertson	Weeks
Gulledge	Little		

—21

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Dial:

H. J. R. 253. COMMENDING FORMER PROBATE JUDGE J. B. TOLAND AND CLAY COUNTY COMMISSIONERS JORDAN, DENNY, CATCHINGS AND BROOKS.

Also:

By Rep. Owens:

H. J. R. 259. COMMENDING OUR STATE EMPLOYEES FOR THEIR CONTINUING DEDICATED SERVICE TO STATE GOVERNMENT.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Holmes, the Rules were suspended and the Resolution, H. J. R. 253, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolution, H. J. R. 259, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Mr. Barron, the objections of Messrs. Teague, Proctor, and St. John, to the above Resolution, H. J. R. 259, were ordered spread upon the Journal.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Waggoner:

H. J. R. 283. MOURNING THE DEATH OF MR. CHARLES R. BYRD, PROMINENT BIRMINGHAM REALTOR AND CIVIC LEADER.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 283, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Greer, Coburn and Starkey.

H. J. R. 271. COMMENDING MISS PAMELA PHILLIPS FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Denton, the Rules were suspended and the Resolution, H. J. R. 271, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Britnell (With Substitute):

S. 444. To provide for mechanical sewage treatment plants for use to treat wastewater from individual homes.

By Messrs. Parsons, Robertson and Harrison:

S. 423. To amend Section 40-23-4, Code of Alabama 1975, which relates to exemptions from the state sales tax, so as to exempt the gross receipts on the sale of wood residue from such tax.

By Reps. Patton, Payne, Bedsole and Amari:

H. 118. To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

By Reps. Hammett, Mitchell and Clark (G):

H. 271. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits probate judges from practicing law.

By Reps. Edwards, Grouby and Blake:

H. 154. To establish standards under which municipalities, in Classes 7 and 8, may purchase personal services or personal property from the elected officials of such municipalities under certain enumerated circumstances and conditions; to require disclosures; to establish procedures; and to repeal conflicting laws and statutes.

By Mr. Keener:

S. 405. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees to \$25.00; to require annual renewal permit fees of \$25.00.

By Mr. Higginbotham:

S. 510. To prescribe that all public school systems shall allow official recruiting representatives of the armed or military forces of the United States or of the state reasonable access to their facilities and students for the purpose of presenting recruiting programs, administering tests, and generally informing students on occupational and educational options.

By Rep. Manley:

H. 381. To amend Section 41-4-156 of the Code of Alabama 1975 which provides for the printing of acts and resolutions in pamphlet form, so as to require the printing of local acts as well as the general acts in pamphlet form, and to provide further for the distribution of pamphlet acts.

By Mr. Teague:

S. 406. To amend Code of Alabama 1975, § 40-12-248(d) so that truck tractors used for the transportation of household goods, personal furniture, other household effects, farm produce, farm products and forest products will not be subject to the annual license taxes and registration fees set forth in § 40-12-248(d), supra.

## CONSENT CALENDAR BILLS ON THIRD READING

The Bill:

S. 444. To provide for mechanical sewage treatment plants for use to treat wastewater from individual homes.

was taken up.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 444, to-wit:

### COMMITTEE SUBSTITUTE FOR S. B. 444

#### A BILL TO BE ENTITLED AN ACT

To provide for mechanical sewage treatment plants for use to treat wastewater from individual homes.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Mechanical sewage treatment plants (individual aerobic wastewater treatment plants) are hereby permitted to be used in the state to treat wastewater from individual homes, subject to the following conditions:

(A) A mechanical sewage treatment plant may be permitted where individual sewage disposal facilities would currently be permitted under prevailing rules set forth in Chapter 2 of Part 1 of Regulations Governing On-Site Sewage Disposal Systems, as promulgated by the Alabama State Health Department.

(B) Effluent discharges shall meet current effluent standards established by the United States Environmental Protection Agency.

(C) Approval of on-site mechanical sewage treatment plants shall be granted in accordance with Chapter 2 of Part 1 of Regulations Governing On-Site Sewage Disposal Systems as promulgated by Alabama State Health Department.

(D) Permitted mechanical plants shall be tested and certified by NSF in accordance with "Standard Number 40 Relating to Individual Aerobic Wastewater Plant Adopted by the Board of Trustees of the National Sanitation Foundation (NSF), Ann Arbor, Michigan, on November 13, 1970, Revised November, 1978."

(E) This Bill further mandates:

(1) The Manufacturer, Distributor, and/or Dealer of the permitted mechanical (aerobic) sewage disposal systems shall: (a) provide the necessary Warranty, initial service, and (b) make available the necessary continuing service for their products/systems as set forth by regulations of the State Health Department. The manufacturer of the permitted mechanical (aerobic) sewage treatment plant shall assure the State Health Department that continued service shall be available on their systems installed in the State of Alabama.

(2) The owners of these mechanical sewage treatment systems will have these plants serviced and maintained by service representatives certified by the State Health Department promulgated by regulations for such service as set forth by the State Health Department.

(F) Upon the enactment of this Bill the State Health Department shall initiate:

(1) The necessary criteria, guidelines, and/or regulations governing the registration, certification, and permitting of mechanical (aerobic) sewage treatment plants allowed by this Bill.

(2) The necessary criteria, guidelines, and/or regulations governing the approval for, and installations of these mechanical sewage treatment systems.

SECTION 2. All laws or parts of laws which conflict with this act are hereby repealed.

SECTION 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. deGraffenried, said substitute for the Bill, S. B. 444, was laid on the table.

And said Bill, S. B. 444, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 3.

Yeas:

Messrs.:	Gulledge	Little	Taylor
Barron	Harrison	Martin	Teague
Britnell	Higginbotham	Parsons	Vacca
deGraffenried	Holmes	Proctor	Weeks
Denton	Keener	Robertson	White
Goodwin	Lemaster		

Nays: Messrs.: McDonald, Miller and Smith.

—3

### MOTION IN WRITING

Mr. Holmes offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 359, on page 145 of the 22nd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 359, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (G) and Campbell:

H. 380. To further regulate the sale of alcoholic beverages and to raise revenue by levying an exclusive statewide local privilege or excise tax on every person licensed under the provisions of Title 28, Article 3A, Code of Alabama 1975, who sells, stores or receives for the purpose of distribution, beer; to provide for the collection and distribution of the proceeds of said tax; to provide for penalties; to provide the eligible counties a phase-out system of net revenue loss from local beer tax; and to supersede and repeal all local taxes, county and municipal, levied on or measured by the sale of beer, except general sales taxes.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 380. To the Committee on Finance and Taxation.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 423. To amend Section 40-23-4, Code of Alabama 1975, which relates to exemptions from the state sales tax, so as to exempt the gross receipts on the sale of wood residue from such tax.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:  
Britnell

Cook  
deGraffenried

Denton  
Gulledge

Higginbotham  
Holmes

REGULAR SESSION  
22nd Day

959

Keener	Martin	Robertson	Vacca	
Kirkland	McDonald	Smith	Weeks	
Lemaster	Miller	Taylor	White	
Little	Parsons	Teague		—22
<i>Nays:</i>				—0

The Bill:

H. 118. To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

was read a third time at length and passed.

Yeas 21, Nays 1.

*Yeas:*

Messrs.:	Higginbotham	Martin	Taylor	
Britnell	Holmes	Miller	Teague	
Cook	Keener	Proctor	Vacca	
deGraffenried	Kirkland	St. John	Weeks	
Denton	Lemaster	Smith	White	
Harrison	Little			—21

*Nay:* Mr. Hilliard. —1

The Bill:

H. 271. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits probate judges from practicing law.

was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Martin	Taylor	
Britnell	Holmes	McDonald	Vacca	
Cook	Kirkland	Proctor	Weeks	
deGraffenried	Lemaster	Robertson	White	
Denton	Little	Smith		—18

*Nays:* —0

The Bill:

H. 154. To establish standards under which municipalities, in Classes 7 and 8, may purchase personal services or personal property from the elected officials of such municipalities under certain enumerated circumstances and conditions; to require disclosures; to establish procedures; and to repeal conflicting laws and statutes.

was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Cook	Denton	Holmes
Britnell	deGraffenried	Higginbotham	Kirkland

Lemaster	Miller	Smith	Weeks	
Martin	Parsons	Taylor	White	
McDonald	Robertson	Vacca		—18
<i>Nays:</i>				—0

The Bill:

S. 405. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees to \$25.00; to require annual renewal permit fees of \$25.00.

was taken up.

On motion of Mr. Keener, further consideration of the Bill, S. B. 405, was postponed until the Twenty-Third Legislative Day.

The Bill:

S. 510. To prescribe that all public school systems shall allow official recruiting representatives of the armed or military forces of the United States or of the state reasonable access to their facilities and students for the purpose of presenting recruiting programs, administering tests, and generally informing students on occupational and educational options.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Lemaster	Proctor	
Britnell	Hilliard	Martin	Smith	
Cook	Holmes	McDonald	Taylor	
deGraffenried	Keener	Miller	Teague	
Denton	Kirkland	Parsons	Vacca	—19

*Nays:* —0

The Bill:

H. 381. To amend Section 41-4-156 of the Code of Alabama 1975 which provides for the printing of acts and resolutions in pamphlet form, so as to require the printing of local acts as well as the general acts in pamphlet form, and to provide further for the distribution of pamphlet acts.

was read a third time at length and passed.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Little	Smith	
Britnell	Holmes	Martin	Taylor	
Cook	Keener	McDonald	Teague	
deGraffenried	Kirkland	Parsons	Vacca	
Denton	Lemaster	Robertson	White	—19

*Nays:* —0

The Bill:

S. 406. To amend Code of Alabama 1975, §40-12-248(d) so that truck tractors used for the transportation of household goods, personal furniture, other household effects, farm produce, farm products and forest products will not be subject to the annual license taxes and registration fees set forth in §40-12-248(d), *supra*.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.	Holmes	Martin	Smith
Britnell	Keener	McDonald	Taylor
deGraffenried	Kirkland	Miller	Teague
Denton	Lemaster	Parsons	Vacca
Higginbotham	Little	Robertson	White

—19

*Nays:* —0

#### RESOLUTION

Mr. Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 161. COMMENDING OUR STATE EMPLOYEES FOR THEIR CONTINUING DEDICATED SERVICE TO STATE GOVERNMENT.

WHEREAS, our state employees perform innumerable vital and necessary services for the general public of the State of Alabama; and

WHEREAS, a staggering amount of work is routinely and skillfully processed on a daily basis by state employees who conscientiously and consistently discharge their duties and responsibilities in a professional and competent manner; and

WHEREAS, the quality of these services has never been compromised, regardless of circumstances, as our state employees take great pride in their performance on the job; and

WHEREAS, in recent weeks there have been regrettable misunderstandings concerning a number of executive and legislative proposals that might well have an effect on the compensation and benefits of state employees; and

WHEREAS, morale among state employees has understandably been low in recent weeks due to a preponderance of rumors throughout this legislative session; and

WHEREAS, the vast majority of state employees have maintained their composure and have in no way allowed such rumors to adversely affect their productivity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the state employees of Alabama



are hereby commended for their continuing dedicated service to state government; we stand in tribute to their loyalty, in praise of their perseverance, and express our heartfelt gratitude for their labors on behalf of the State of Alabama and its citizens.

On motion of Mr. Barron, the Rules were suspended and the Resolution was adopted by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 223. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

The Standing Committee on Judiciary reported the following amendment to the Bill, H. B. 223, to-wit:

#### COMMITTEE AMENDMENT NO. 1 TO H. B. 223.

Amend House Bill 223, Section 7(c), on page 7 beginning at line 26, by deleting §(c) in its entirety and substituting in lieu thereof the following:

"(c) Any person or activity which is subject to the provisions of the Alabama Insurance Code, viz Act No. 407 of the 1971 regular session, now appearing in the Code of Alabama 1975, Title 27, as amended, or any bank or affiliate of a bank which is regulated by the state banking department of Alabama, the comptroller of the currency of the United States, federal deposit insurance corporation or the board of governors of the federal reserve system, or to any person or activity which is subject to the provisions of the Code of Alabama 1975, Title 10, Chapter 4, Article 6, or to the regulated activities of any utility, telephone company or railroad which is regulated by Alabama public service commission;"

Which was adopted.

Yeas 10; Nays 9.

*Yeas:*

Messrs.:	Gulledge	Proctor	Teague	
Britnell	Harrison	St. John	White	
deGraffenried	Holmes	Smith		—10

*Nays:*

Messrs.:	Martin	Parsons	Vacca	
Denton	McDonald	Taylor	Weeks	
Kirkland	Miller			—9

The Standing Committee on Judiciary then reported the following amendment to the Bill, H. B. 223, as amended, to-wit:

#### COMMITTEE AMENDMENT NO. 2 TO H. B. 223, AS AMENDED

Amend House Bill No. 223 Page 6, Line 32, by striking out "for profit" after the word "hospitals"

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Which was adopted.

Yeas 21; Nays 2.

*Yeas:*

Messrs.:	Higginbotham	McDonald	Smith
Britnell	Holmes	Parsons	Taylor
deGraffenried	Keener	Proctor	Teague
Denton	Lemaster	Robertson	Vacca
Gulledge	Little	St. John	White
Harrison	Martin		

—21

*Nays:* Messrs.: Miller and Weeks. —2

The Standing Committee on Judiciary then reported the following amendment to the Bill, H. B. 223, as amended, to-wit:

COMMITTEE AMENDMENT NO. 3 TO H. B. 223, AS AMENDED

Amend House Bill No. 223 page 6, Line 32, by striking out the following after the word "commerce":

"including but not limited to excessive charges by hospitals"

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Holmes	Parsons	Taylor
Britnell	Keener	Proctor	Teague
deGraffenried	Lemaster	Robertson	Vacca
Denton	Little	St. John	Weeks
Gulledge	Martin	Smith	White
Higginbotham	Miller		

—21

*Nays:* —0

Mr. Keener offered the following amendment to the Bill, H. B. 223, as amended, to-wit:

AMENDMENT TO H. B. 223, AS AMENDED

Amend House Bill No. 223 Page 8 Line 10, by inserting the following as subsection (e) to Section 7 and renumbering current subsection (f) of Section 7 accordingly:

"(e) The provisions of this act shall not apply to legally licensed restaurants in the state of Alabama."

Which was lost.

Yeas 3; Nays 18.

*Yeas:* Messrs.: deGraffenried, Keener and St. John. —3

*Nays:*

Messrs.	Denton	Higginbotham	Lemaster
Britnell	Harrison	Holmes	Little

Martin	Parsons	Smith	Vacca	
McDonald	Proctor	Taylor	Weeks	
Miller	Robertson	Teague		—18

Mr. Robertson offered the following amendment to the Bill, H. B. 223, as amended, to-wit:

#### AMENDMENT TO H. B. 223, AS AMENDED

Amend House Bill No. 223 by inserting the following words after the last word on line 27 of page 3 of the bill, and before the words "Section 5." appearing on line 28 of page 3.

"(d) Nothing contained in this Act shall also be deemed to supersede, take precedent over, or preempt, any remedy, either criminal or civil, available to the Commissioner of Agriculture and Industries or the Board of Agriculture and Industries in the enforcement of those laws and regulations under the jurisdiction of the Commissioner or the Board."

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Keener	Miller	Smith	
Britnell	Lemaster	Parsons	Taylor	
deGraffenried	Little	Proctor	Teague	
Denton	Martin	Robertson	Vacca	
Higginbotham	McDonald	St. John	Weeks	
Holmes				—20

*Nays:*

—0

On motion of Mr. Parsons, further consideration of the Bill, H. B. 223, as amended, was postponed temporarily.

#### UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 489. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable

property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act." so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

The question was on the amendment offered by Mr. Keener, which said amendment is set out in the Journal of the Senate for the Twenty-first Legislative Day.

### QUORUM CALL REQUESTED

At 4:30 A.M., Mr. deGraffenried requested that the President and Presiding Officer ascertain the presence of a quorum.

The President and Presiding Officer of the Senate declared a quorum present.

### FURTHER CONSIDERATION OF H. B. 223

The Senate proceeded to further consideration of the Bill, H. B. 223, as amended.

And said Bill, H. B. 223, as amended, was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	Smith
Barron	Harrison	McDonald	Taylor
Britnell	Higginbotham	Miller	Teague
Callahan	Holmes	Mitchem	Vacca
Cook	Kirkland	Parsons	Weeks
deGraffenried	Lemaster	Proctor	White
Denton	Little	Robertson	—26

*Nays:* —0

Mr. Parsons moved that the Senate reconsider the vote by which the Bill, H. B. 223, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### FURTHER CONSIDERATION OF H. B. 489

The Senate proceeded to further consideration of the Bill, H. B. 489. The question was on the amendment offered by Mr. Keener.

### RESOLUTION

Mr. Callahan offered the following Senate Joint Resolution, to-wit:

S. J. R. 162. AMENDING ACT NO. 81-294, S. J. R. 121, 1981 REGULAR SESSION, WHICH CREATES A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 81-294, S. J. R. 121, 1981 Regular Session, is hereby amended to read as follows:

"WHEREAS, the State of Alabama finds a unique opportunity in the large windfall accruing to the state from its recent oil leases; and

"WHEREAS, no legislature in the history of Alabama has had the opportunity to address the critical needs of the state without imposing burdensome taxes upon the people; and

"WHEREAS, the possibility exists of placing the revenues of the oil leases in a perpetual interest fund and/or other investments; and

"WHEREAS, it is the responsibility of this Legislature to carefully and wisely weigh the alternatives of expending these oil lease revenues; now therefore,

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a continuing legislative committee be established, consisting of the seven members of the Senate and the seven members of the House appointed by the Presiding Officer in each house which composes the present membership of the interim committee established by Act No. 81-294 to investigate the feasibility of establishing a perpetual interest fund and any other investment and/or expenditures that would prove to be to the best interest on taxpayers in the State of Alabama. Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses. Said money shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

BE IT FURTHER RESOLVED, That the committee shall have the authority to employ all necessary staff to perform the functions of this committee and employees of the committee shall be paid out of any funds appropriated for the use of the legislature.

"BE IT FURTHER RESOLVED, That the committee meet with leaders of state agencies, representatives of banks and all other financial institutions to determine the best possible method of investment."

On motion of Mr. Callahan, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF H. B. 489

The Senate proceeded to further consideration of the Bill, H. B. 489. The question was on the amendment offered by Mr. Keener.

On motion of Mr. Harrison, said amendment was laid on the table.

Yeas 14; Nays 7.

Yeas:

Messrs.:	Holmes	McDonald	St. John
Gulledge	Lemaster	Miller	Taylor
Harrison	Little	Mitchem	Teague
Higginbotham	Martin	Proctor	

*Nays:*

Messrs.:	Figures	Keener	Vacca
Barron	Hall	Parsons	White

—7

Mr. White offered the following amendment to the Bill, H. B. 489, to-wit:

AMENDMENT TO H. B. 489

On Page 2, line 19, after the word "made" delete the period and insert the following language:

"and shall be limited to property owned by natural persons and which qualifies for the homestead exemption."

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 60. To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

Also:

S. 104. To extend the statute of limitations in regard to violations of the competitive bid laws.

Also:

S. 105. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount; and to provide certain exceptions thereto.

Also:

S. 143. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Also:

S. 219. To amend § 12-19-150, Code of Alabama 1975, to provide that in the interest of justice a judge may, in his discretion enter an order dismissing a case prior to trial, conditioned upon payment of the docket fee and other court costs; and to provide an effective date.

Also:

S. 508. Relating to Lee County; providing for an additional allowance for election officials who work at polling places.

Also:

S. 109. To amend § 9-11-147 of the Code of Alabama 1975 so as to provide further for the marking and identification of slat boxes used for commercial fishing.

Also:

S. J. R. 152. MOURNING THE DEATH OF MR. DANNY C. MORRISON OF TUSCALOOSA, ALABAMA.

Also:

S. J. R. 153. ENCOURAGING OUR CITIZENS TO SUPPORT THE ECONOMY OF ALABAMA AND THE NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### FURTHER CONSIDERATION OF H. B. 489

The Senate proceeded to further consideration of the Bill, H. B. 489. The question was on the amendment offered by Mr. White.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 150. EXTENDING BEST WISHES AND A FOND FAREWELL TO LOU ELLIOTT.

Also:

S. J. R. 151. COMMENDING THOSE INDIVIDUALS WHO RENDERED EXTRAORDINARY SERVICE IN CONNECTION WITH THE HURRICANE FREDERIC REFORESTATION PROJECT.

Also:

S. J. R. 154. DESIGNATING MAY 3 THROUGH 10, 1981, AS ALABAMA ALCOHOL AWARENESS — MARRIAGE AND FAMILY WEEK.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 783. To propose an amendment to the Constitution of Alabama of 1901 relating to road bonds for Washington County.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 156. MOURNING THE DEATH OF MISS ROSEMARY LACKEY OF TUSCALOOSA, ALABAMA.

Also:

S. J. R. 158. COMMENDING SENATOR CHARLES W. BRITNELL ON HIS APPOINTMENT AS PRISIDENT OF NORTHWEST ALABAMA STATE JUNIOR COLLEGE, PHIL CAMPBELL, ALABAMA.

Also:

S. J. R. 161. COMMENDING OUR STATE EMPLOYEES FOR THEIR CONTINUING DEDICATED SERVICE TO STATE GOVERNMENT.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 262. EXTENDING BEST WISHES TO MISS ANNE ELIZABETH CAMPBELL AND MR. HAROLD WILLIAM BLOOM, JR.

Also:

H. J. R. 264. HONORING MR. TOM JOINER FOR EXTRAORDINARY SERVICE WITH THE GEOLOGICAL SURVEY OF ALABAMA SINCE 1961.

Also:

H. J. R. 267. HONORING THE UNITED STATES MARINE CORPS AND ALL THOSE WHO HAVE SERVED IN ITS CAUSE OF FREEDOM.

JOHN W. PEMBERTON,  
Clerk.



## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 118. To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

Also:

H. 154. To establish standards under which municipalities, in Classes 7 and 8, may purchase personal services or personal property from the elected officials of such municipalities under certain enumerated circumstances and conditions; to require disclosures; to establish procedures; and to repeal conflicting laws and statutes.

Also:

H. 271. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits probate judges from practicing law.

Also:

H. 381. To amend Section 41-4-156 of the Code of Alabama 1975 which provides for the printing of acts and resolutions in pamphlet form, so as to require the printing of local acts as well as the general acts in pamphlet form, and to provide further for the distribution of pamphlet acts.

Also:

H. J. R. 253. COMMENDING FORMER PROBATE JUDGE J. B. TOLAND AND CLAY COUNTY COMMISSIONERS JORDAN, DENNY, CATCHINGS AND BROOKS.

Also:

H. J. R. 271. COMMENDING MISS PAMELA PHILLIPS FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 283. MOURNING THE DEATH OF MR. CHARLES R. BYRD, PROMINENT BIRMINGHAM REALTOR AND CIVIC LEADER.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 489

The Senate proceeded to further consideration of the Bill, H. B. 489. The question was on the amendment offered by Mr. White.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper (O) (with notice and proof):

H. 906. Relating to Tallapoosa County; providing for an additional allowance for election officials who work at polling places.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 906, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Wyatt and Langford (with notice and proof):

H. 878. To amend Sections 3.02, 3.05, 3.12, 3.15 and 4.04 of Act 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to further provide for the Council of such cities to set per diem allowances, salaries, or expense allowances (with certain limitations); to require persons seeking council seats to pay a certain qualifying fee or submit a petition containing a minimum number of signatures of registered voters; to allow the Council to set its meeting days; and to further provide for the salary of the Mayor (with certain limitations).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 878, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Wyatt and Langford (with notice and proof):

H. 880. To reopen the Montgomery County employees' retirement system for prior service credit for certain employees of Montgomery County who did not become members of said system on the last date of effective participation for such employees; to provide that as prerequisites to such credit, members must make certain contributions therefor and must be contributing members of said retirement system in the active service of Montgomery County, the employer for whom such prior service was rendered and to provide that Montgomery County shall pay such employers costs as are necessary with respect to its employees subject to this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 880, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Langford (with notice and proof):

H. 913. Relating to Montgomery County; providing for the compensation of the sheriff.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 913, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Langford (with notice and proof):

H. 911. To provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Montgomery County; to provide for permits or licenses, applications, forms and contents to operate bingo, to provide for special permits or licenses to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Montgomery County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Montgomery County, no further referendum is needed.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 911, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B's 906, 878, 880, 913, and 911. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 223. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

JOHN W. PEMBERTON,  
Clerk.

#### RESOLUTION

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 163. COMMENDING REVEREND DOCTOR H. J. LANCASTER, PASTOR, SECOND SAINT SILOAM BAPTIST CHURCH, BREWTON.

Which was adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 223. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

Also:

H. 783. To propose an amendment to the Constitution of Alabama of 1901 relating to road bonds for Washington County.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 195. To amend Section 32-9-21, Code of Alabama, 1975, which provides for a maximum permissible length for any motor bus driven or operated

upon Alabama highways so as to further provide for a maximum permissible width for any such motor bus and to repeal all laws in conflict therewith.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF H. B. 489

The Senate proceeded to further consideration of the Bill, H. B. 489. The question was on the amendment offered by Mr. White.

#### RECESS

At 3:55 P.M., on motion of Mr. Barron, the Senate took a recess until 3:56 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

#### REPORTS OF COMMITTEES

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Minus:

H. 737. To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by a majority vote of members attending a meeting called to consider conversion.

#### FURTHER CONSIDERATION OF H. B. 489

The Senate proceeded to further consideration of the Bill, H. B. 489. The question was on the amendment offered by Mr. White.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 450. To exempt the Villa Mercy, A Corporation, the Allen Memorial Home, Inc., the Little Sisters of the Poor Home for the Aged, Inc., and the Particular Council of Mobile Society of St. Vincent de Paul from all state, county and use taxes.

was taken up.

On motion of Mr. Callahan, further consideration of the Bill, S. B. 450, was postponed until the next Legislative Day as Unfinished Business.

#### FURTHER CONSIDERATION OF H. B. 489

The Senate proceeded to further consideration of the Bill, H. B. 489. The Question was on the amendment offered by Mr. White.

#### MOTION TO ADJOURN

Mr. Teague moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 23, 1981, at 12:01 A.M., which motion was adopted.

FURTHER CONSIDERATION OF H. B. 489

The Senate proceeded to further consideration of the Bill, H. B. 489. The question was on the amendment offered by Mr. White.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Barton:

H. 741. To amend Section 3 (f), Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 3(a)(9), Title 28, Code of Alabama 1975 and Section 11, Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 11, Title 28, Code of Alabama 1975 to further define a lounge retail liquor license.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 741. To the Committee on Commerce, Transportation, and Utilities.

RECESS

At 7 o'clock P.M., on motion of Mr. Barron, the Senate took a recess until 9 o'clock tonight.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

REPORT FROM THE COMMITTEE ON RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the Bill:

H. 191. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

having received five written objections, is being returned to the Senate for placement at the end of the Regular Order Calendar, pursuant to the provisions of Senate Rule 14 (3).

FURTHER CONSIDERATION OF H. B. 489

The Senate proceeded to further consideration of the Bill, H. B. 489. The question was on the amendment offered by Mr. White.

## REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 197.

S. J. R. 119.

S. J. R. 121.

S. B. 310.

S. B. 29.

S. B. 204.

Delivered to the Governor, April 16, 1981, at 12:40 P.M.

S. B. 116.

S. B. 483.

S. B. 506.

S. B. 507.

S. B. 547.

S. J. R. 129.

S. J. R. 133.

S. J. R. 134.

S. J. R. 137.

S. J. R. 139.

S. J. R. 142.

S. J. R. 144.

Delivered to the Governor, April 21, 1981, at 2:40 P.M.

S. B. 60.

S. B. 104.

S. B. 105.

S. B. 143.

S. B. 219.

S. B. 508.

S. B. 109.

S. J. R. 152.

REGULAR SESSION  
22nd Day

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S. J. R. 153.

Delivered to the Governor, April 22, 1981, at 2:10 P.M.

McDOWELL LEE,  
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

The hour of Midnight having arrived, in accordance with motion and Resolution heretofore adopted, pending further consideration of the Bills, H. B. 489 and S. B. 450, the Senate adjourned until Thursday, April 23, 1981, at 12:01 A.M.



## TWENTY-THIRD LEGISLATIVE DAY

THURSDAY, APRIL 23, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, New Providence Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. White, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-second Legislative Day was approved by the Senate.

MESSAGE FROM THE GOVERNOR

To The Alabama Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill 197, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 22nd day of April, 1981.

To The Alabama Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 197 without my signature and approval and with the following suggested Executive Amendment. This amendment would provide a mechanism for the pre-payment of civil penalties into an escrow account. Such a provision is required by federal law.

On page 98 of the bill in Section 26, subsection (c), line 14, after the word "person", delete the remainder of line 14 and delete lines 15 and 16 in their entirety and add in lieu thereof the following:

wishes to contest either the amount of the penalty or the fact of the violation, forward the proposed amount to the regulatory authority for placement in an escrow account. If through administrative or judicial review of the proposed penalty, it is determined that no violation occurred, or that the amount of the penalty should be reduced, the regulatory authority shall within thirty days remit the appropriate amount to the person, with interest at the rate of 6 percent, or at the prevailing Department of the Treasury rate, whichever is greater. Failure to forward the money to the regulatory authority within thirty days shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,

GOVERNOR'S MESSAGE

On motion of Mr. Cook, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 197. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any

valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Denton	Hilliard	Parsons
Bailey	Figures	Keener	Proctor
Barron	Goodwin	Kirkland	Taylor
Britnell	Hall	Martin	Teague
Cook	Harrison	McDonald	Weeks
deGraffenried	Higginbotham	Miller	White

—23

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 197, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Denton	Higginbotham	Miller
Bailey	Figures	Hilliard	Proctor
Barron	Goodwin	Keener	Taylor
Britnell	Gulledge	Kirkland	Teague
Cook	Hall	Lemaster	Weeks
deGraffenried	Harrison	Martin	White

—23

*Nays:* —0

which was a majority of the whole number elected to the Senate.

#### RECESS

At 12:10 A.M., on motion of Mr. White, the Senate took a recess until 1 o'clock this morning.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gregg (with notice and proof):

H. 806. To provide for and create the Huntsville-Madison County Racing Commission, for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 806, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 806. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Cobb, Payne, Cates, Warren and McCorquodale:

H. 479. To prevent a public hospital from granting extra compensation to any officer or employee of the hospital or any contractor from receiving extra compensation after a service has been rendered or a contract made and to prevent an increase or decrease of compensation of officers during a term of office; nor shall a public hospital have authority to lend its credit or grant public money or thing of value to any individual, association, corporation, official, or employee.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 479. To the Committee on Health and Welfare.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hammett:

H. 2. To provide that certain employees of Alabama Educational Television shall be covered under the state merit system and to provide for an effective date

Also:

By Reps. Stout, Drinkard, Smith (J), Amari, Coburn, Hall, Albright, Carter, Ford, Patton, Carothers, Brakefield, Riddick, Adams (H), Stewart, Penry, Starkey, Roberts, Mitchell, Rains, Kelley, Shavers, Bennett, Smith (C), Blake, Harper (O), Gafford, Cates, Letson, Harvey, Minus, Naramore, Crow, Smith (M), Clark (G), Goodwin, Johnson (R. G.), Laird, Holley, Wyatt, Venable, Bedsole, Waggoner, Moore, Trammell, Adams (C), Ray, Johnson (Roy), Dial, Manley, Bowling and Greer:

H. 769. To provide for and authorize the incorporation and organization of a public corporation in the state to be named the Alabama synfuels development authority for the purpose of furthering the development of synthetic fuels; to designate the officers and members of the board of directors of the authority; to define and describe the duties and obligations of the authority; to prescribe the powers of the authority; and to provide for the dissolution of the authority.

Also:

By Reps. Bedsole, Harper (T) and Clark (W):

H. 514. To provide that owners of motor vehicles that are leased to other persons shall not be liable for parking violations when the vehicles are not in their possession and provides that said lessors shall notify the clerk of the proper court with the name and address of the lessee.

Also:

By Reps. Boles, Smith (J), Olive, Howard, Horn, Escott, Greer, Goodwin and Brakefield:

H. 459. To require that before a license is issued for a hazardous waste site, the state health department and the health department of the county where the site will be located shall each approve the site.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 2 and 769. To the Committee on Governmental Affairs.

H. B. 514. To the Committee on Judiciary.

H. B. 459. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Starkey:

H. 699. To amend sections 34-31-1, 34-31-3, 34-31-5, 34-31-7, 34-31-8, 34-31-9, 34-31-12, 34-31-15, and 34-31-16 of the 1978 supplement to the 1975 Code of Alabama so as to:

- (1) Clarify the definition of Regulated Contractor.
- (2) Exclude Professional Engineers, Professional Architects and certain Registered Contractors from this regulation.
- (3) Make the language of the Chapter consistent throughout.
- (4) Change the renewal date for Certification.
- (5) Change the number of required board meetings from monthly to bi-monthly.
- (6) Define a license and permit bond.
- (7) Allow for travel expense for board members.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 699. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Biddle:

H. 500. To amend section 32-5A-80, Code of Alabama 1975, relating to driving on the right side of a roadway so as to require all traffic to drive in the right-hand lane then available unless specifically exempted under certain conditions.

Also:

By Rep. Langford:

H. 912. Proposing an amendment to the Constitution of 1901; relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Montgomery County.

Also:

By Reps. Mitchell, Roberts and Bedsole:

H. 916. This bill amends Section 6-5-462 so as to provide that all claims not of an equitable nature (except for injury to the reputation) survive in favor of and against personal representatives.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 500 and 916. To the Committee on Commerce, Transportation, and Utilities.

H. B. 912. To the Committee on Judiciary.

(The above Bill, H. B. 912, was read a first time at length as required by the Constitution.)

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Edwards, Grouby, Gilmer, Blake, Wyatt, Dial, Cosby and Cates:

H. 157. To amend Section 31-6-9, Code of Alabama 1975, which section relates to certain educational benefits for wives, widows or dependents of Alabama veterans under Title 31, Chapter 6 of the Code of Alabama 1975, so as to provide that those dependents shall not lose benefits because of an interruption in schooling due to illness.

Also:

By Reps. Zoghby, Biddle and Bedsole:

H. 347. To amend Section 21-7-4, Code of Alabama 1975, relating to the right of blind persons to be accompanied by a guide dog, so as to extend said right to persons using a hearing dog.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 157. To the Committee on Finance and Taxation.

H. B. 347. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sasser:

H. 604. To create an additional judgeship for the Thirty-third Judicial Circuit of Alabama; to provide for the election of the first judge and of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the Thirty-third Judicial Circuit of Alabama to two; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 604. To the Committee on Finance and Taxation.

RESOLUTIONS

Mr. Lemaster offered the following Senate Resolutions, to-wit:

S. R. 164. COMMENDING MR. DAN C. BISHOP, INSTRUCTOR AT JACKSON COUNTY TECHNICAL SCHOOL.

Also:

S. R. 165. COMMENDING STEVEN CORNELISON OF JACKSON COUNTY TECHNICAL SCHOOL.

Which were adopted.

MOTION IN WRITING

Mr. Denton offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 598, on page 144 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 598, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:



By Rep. Cates:

H. 529. To amend Sections 5-2A-103 and 5-17-7, Code of Alabama 1975, which provide for the payment of operating expenses of the bureau of credit unions.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 529. To the Committee on Banking and Insurance.

### LOCAL BILLS ON THIRD READING

The Bill:

S. 590. Relating to Marshall County; to provide for an increase in salary for the members of the jury commission of said county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	St. John	
Barron	Gulledge	Little	Smith	
Britnell	Hall	McDonald	Taylor	
Callahan	Harrison	Mitchem	Teague	
Cook	Hilliard	Pearson	Vacca	
Figures	Holmes	Proctor	White	
Glass	Keener			—25

Nays: —0

The Bill:

S. 597. Relating to Marshall County; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cook	Goodwin	Hilliard
Bailey	deGraffenried	Hall	Keener
Barron	Figures	Harrison	Kirkland
Callahan	Glass	Higginbotham	Little

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McDonald	Proctor	Taylor	Weeks	
Mitchem	St. John	Teague	White	
Pearson	Smith			—25

*Nays:* —0

The Bill:

S. 589. Relating to Marshall County; to provide for an increase in salary for the members of the board of equalization of said county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	St. John	
Bailey	Goodwin	Little	Smith	
Barron	Hall	McDonald	Taylor	
Britnell	Harrison	Mitchem	Teague	
deGraffenried	Higginbotham	Pearson	Vacca	
Denton	Hilliard	Proctor	Weeks	
Figures	Holmes			—25

*Nays:* —0

The Bill:

H. 421. To create the office of license commissioner in Houston County; to provide for his appointment; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith	
Bailey	Gulledge	Miller	Taylor	
Britnell	Harrison	Parsons	Teague	
Callahan	Higginbotham	Pearson	Vacca	
Denton	Hilliard	Proctor	Weeks	
Figures	Keener	St. John	White	
Glass	Kirkland			—25

*Nays:* —0

The Bill:

H. 765. Relating to the City of Dothan Pension and Retirement System; further amending Sections 5 and 10 of Act No. 103, H. 363 of the 1953 Regular Session (Acts 1953, Vol. I, p. 145), as amended, so as to provide further for creditable service and the perpetuity of the system and relief of members already retired and future retirees.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	Proctor
Bailey	Goodwin	Kirkland	St. John
Britnell	Gulledge	Little	Taylor
Callahan	Hall	Miller	Teague
deGraffenried	Harrison	Parsons	Weeks
Denton	Higginbotham	Pearson	White
Figures	Holmes		

—25

*Nays:*

—0

The Bill:

H. 798. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	St. John
Bailey	Gulledge	McDonald	Smith
Barron	Hall	Miller	Taylor
Britnell	Harrison	Mitchem	Vacca
Cook	Hilliard	Parsons	Weeks
Denton	Holmes	Proctor	White
Figures	Keener		

—25

*Nays:*

—0

The Bill:

H. 799. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	St. John
Bailey	Goodwin	McDonald	Smith
Barron	Gulledge	Miller	Taylor
Britnell	Harrison	Mitchem	Teague
Cook	Hilliard	Parsons	Vacca
Denton	Holmes	Proctor	Weeks
Figures	Keener		

—25

*Nays:*

—0

The Bill:

H. 819. Relating to Cleburne County; providing an additional expense allowance for the county tax assessor.

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was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	Pearson	
Britnell	Goodwin	Little	St. John	
Callahan	Gulledge	McDonald	Smith	
Cook	Hall	Miller	Teague	
deGraffenried	Harrison	Mitchem	Vacca	
Denton	Higginbotham	Parsons	Weeks	
Figures	Holmes			—25

*Nays:* —0

The Bill:

H. 864. Relating to Choctaw County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

was read a third time at length and passed.

Yeas 25; Nays 1.

*Yeas:*

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Lemaster	St. John	
Britnell	Gulledge	Little	Smith	
Callahan	Hall	McDonald	Taylor	
Cook	Harrison	Miller	Vacca	
deGraffenried	Hilliard	Mitchem	Weeks	
Denton	Keener			—25

*Nay:* Mr. Robertson. —1

The Bill:

H. 865. Relating to Choctaw County, authorizing the county governing body to provide for salaries of clerical and secretarial employees which may be hired from time to time to staff the offices of the tax assessor and tax collector.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	Robertson	
Bailey	Goodwin	Little	Smith	
Barron	Gulledge	McDonald	Taylor	
Callahan	Hall	Miller	Teague	
Cook	Harrison	Parsons	Weeks	
Denton	Higginbotham	Pearson	White	
Figures	Hilliard			—25

*Nays:* —0

The Bill:

H. 866. Relating to Choctaw County; amending the title and Sections 1, 2, and 4 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), and Act No. 80-295, H. 796, 1980 Regular Session (Acts 1980, p. 409-410), relating to the appointment of the county superintendent of education, so as to provide for the election and further for the qualifications and compensation of such officer.

was read at length and passed.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	McDonald	Taylor	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Pearson	Vacca	
deGraffenried	Harrison	Proctor	Weeks	
Denton	Higginbotham	St. John	White	
Figures	Keener			—25

Nay: Mr. Robertson.

—1

The Bill:

H. 896. Relating to Geneva County; providing further for the compensation of the coroner and repealing Act No. 56, H. 96, 1959 Regular Session (Acts 1959, p. 223).

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Gulledge	Parsons	Teague	
Cook	Hall	Pearson	Vacca	
deGraffenried	Harrison	Proctor	Weeks	
Denton	Hilliard	St. John	White	
Figures	Holmes			—25

Nays:

—0

The Bill:

H. 897. Relating to Geneva County; amending Act No. 75, H. 44, 1967 Regular Session, (Acts 1967, p. 107), so as to increase the fee for issuance of pistol permits.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	deGraffenried	Goodwin
Bailey	Callahan	Figures	Gulledge
Barron	Cook	Glass	Hall

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Harrison	Miller	Smith	Vacca	
Hilliard	Parsons	Taylor	Weeks	
Holmes	Pearson	Teague	White	
Little	St. John			—25

Nays: —0

The Bill:

H. 901. Relating to Baldwin County; directing and requiring Baldwin County Commission to provide for the holding of an advisory election relative to the levying of an additional sales tax to be distributed to the County Board of Education of the said County and used for certain specified public school purposes.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	St. John	
Bailey	Gulledge	McDonald	Smith	
Barron	Harrison	Miller	Taylor	
Callahan	Higginbotham	Mitchem	Teague	
deGraffenried	Hilliard	Parsons	Weeks	
Denton	Keener	Proctor	White	
Figures	Kirkland			—25

Nays: —0

### REPORTS OF COMMITTEES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Reps. Johnson (R. G.) and Carothers:

H. 217. To be known as a Third Party Prescription Program Act, establishing the rights and responsibilities of parties engaged in third party prescription programs; defining certain terms; providing for notice procedures, cancellation procedures, provisions to be included in contractual agreements pertaining to third party prescription programs; outlining conditions under which payment by the program administrator to the pharmacy may or may not be denied; establishing reimbursement rates; providing exceptions and repealing all conflicting laws.

By Mr. Keener:

S. 405. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees to \$25.00; to require annual renewal permit fees of \$25.00.

By Mr. Callahan:

S. 544. To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by majority vote of members attending a meeting called to consider conversion.

By Mr. Little:

S. 432. To exempt the East Alabama Services for the Elderly, Inc. from all state, county and municipal sales and use taxes.

By Mr. Barron:

S. 316. To provide for the licensure and regulation of any person, partnership, association or corporation engaged in servicing, recharging, repairing, testing, inspecting or installing fire extinguishers and fire systems; to prescribe further duties and powers of the State Fire Marshal; to provide for the inspection of portable fire extinguishers at regular intervals; to authorize the State Fire Marshal to promulgate rules and regulations for the administration of this act; to provide that moneys collected pursuant to this act shall be deposited in the State Fire Marshal's Fund; to authorize the State Fire Marshal to expend funds from the State Fire Marshal's Fund for the administration and enforcement of this act; to prescribe license fees pursuant to this act; and to prescribe penalties for violation of the act.

By Messrs. Higginbotham, Parsons, Kirkland, Teague, Callahan, Cook, Gullledge, Keener, Robertson, Bailey and Vacca: (With Substitute):

S. 335. To amend Sections 40-17-38 and 40-17-221, Code of Alabama 1975, so as to authorize and direct the Commissioner of the Department of Revenue of this state to allow a discount, not to exceed two percent (2%) of the first Five Thousand Dollars (\$5,000) of taxes paid and one percent (1%) of all amounts of taxes paid in excess of Five Thousand Dollars (\$5,000) and not to exceed in any case Five Hundred Dollars (\$500) on taxes paid in any one month, to licensed and bonded refiners, storers, distributors or wholesalers as defined by Section 40-17-30, Code of Alabama 1975, who collect excise taxes under the provisions of Sections 40-17-31 and 40-17-220, Code of Alabama 1975.

By Mr. Robertson:

S. 285. To amend Code of Alabama 1975, Section 36-27-16, which relates to the Employees' Retirement System, amending said section so as to provide that any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days, nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided that the said member shall have completed the age and service requirements established by the board of control for eligibility for deferred benefits. To provide that the board of control shall establish said age and service requirements; and that from time to time, said requirements for the minimum years of creditable service shall not be less than 10 years nor more than 25 years.

#### CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

H. 217. To be known as a Third Party Prescription Program Act, establishing the rights and responsibilities of parties engaged in third party prescription programs; defining certain terms; providing for notice procedures, cancellation procedures, provisions to be included in contractual agreements pertaining to third party prescription programs; outlining conditions under which payment by the program administrator to the pharmacy may or may not be denied; establishing reimbursement rates; providing exceptions and repealing all conflicting laws.

was read a third time at length and passed.

Yeas 11; Nays 7.

*Yeas:*

Messrs.:	deGraffenried	Holmes	Miller
Bailey	Harrison	Kirkland	Taylor
Cook	Higginbotham	Martin	White

—11

*Nays:*

Messrs.:	Denton	Lemaster	Proctor
Barron	Keener	Little	Robertson

—7

The Bill:

S. 405. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees to \$25.00; to require annual renewal permit fees of \$25.00.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 2.

*Yeas:*

Messrs.:	deGraffenried	Holmes	Little
Bailey	Denton	Keener	Martin
Barron	Goodwin	Kirkland	Teague
Cook	Higginbotham	Lemaster	

—14

*Nays:* Messrs.: Robertson and Taylor. —2

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

The Bill:

S. 544. To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by majority vote of members attending a meeting called to consider conversion.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

*Yeas:*

Messrs.:	deGraffenried	Holmes	Proctor
Bailey	Denton	Keener	Taylor
Barron	Goodwin	Lemaster	Teague
Callahan	Harrison	Little	White
Cook	Higginbotham	Martin	

—18

*Nay:* Mr. Robertson. —1



The Bill:

S. 432. To exempt the East Alabama Services for the Elderly, Inc. from all state, county and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 1.

*Yeas:*

Messrs.:	Denton	Kirkland	Taylor	
Bailey	Goodwin	Little	Teague	
Barron	Higginbotham	Martin	White	
deGraffenried	Holmes	Proctor		—14

*Nay:* Mr. Robertson. —1

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

The Bill:

S. 316. To provide for the licensure and regulation of any person, partnership, association or corporation engaged in servicing, recharging, repairing, testing, inspecting or installing fire extinguishers and fire systems; to prescribe further duties and powers of the State Fire Marshal; to provide for the inspection of portable fire extinguishers at regular intervals; to authorize the State Fire Marshal to promulgate rules and regulations for the administration of this act; to provide that moneys collected pursuant to this act shall be deposited in the State Fire Marshal's Fund; to authorize the State Fire Marshal to expend funds from the State Fire Marshal's Fund for the administration and enforcement of this act; to prescribe license fees pursuant to this act; and to prescribe penalties for violation of the act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 9; Nays 7.

*Yeas:*

Messrs.:	Harrison	Kirkland	Little	
Bailey	Higginbotham	Lemaster	Taylor	
Barron	Holmes			—9

*Nays:*

Messrs.:	Denton	Martin	Teague	
Cook	Goodwin	Robertson	White	
				—7

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

The Bill:

S. 335. To amend Sections 40-17-38 and 40-17-221, Code of Alabama 1975, so as to authorize and direct the Commissioner of the Department of Revenue of this state to allow a discount, not to exceed two percent (2%) of the First Five Thousand Dollars (\$5,000) taxes paid and one percent (1%) of all amounts of taxes paid in excess of Five Thousand Dollars (\$5,000) and not to exceed in any case Five Hundred Dollars (\$500.) on taxes paid in any one month, to licensed and bonded refiners, storers, distributors or wholesalers as defined by Section 40-17-30, Code of Alabama 1975, who collect excise taxes under the provisions of Sections 40-17-31 and 40-17-220, Code of Alabama 1975.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 335, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 335

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 40-17-38 and 40-17-221, Code of Alabama 1975, so as to authorize and direct the Commissioner of the Department of Revenue of this state to allow a discount, not to exceed two percent (2%) of the first Five Thousand Dollars (\$5,000) of taxes paid and one percent (1%) of all amounts of taxes paid in excess of Five Thousand Dollars (\$5,000) and not to exceed in any case Three Hundred Fifteen Dollars (\$315) on taxes paid in any one month, to licensed and bonded refiners, storers, distributors or wholesalers as defined by Section 40-17-30, Code of Alabama 1975, who collect excise taxes under the provisions of Sections 40-17-31 and 40-17-220, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-17-38 of the Code of Alabama 1975, is hereby amended to read as follows:

"S 40-17-38. The commissioner of the department of revenue is hereby authorized and directed to allow refiners, storers, distributors or wholesalers, as defined by section 40-17-30, who have been licensed by the department of revenue under the provisions of section 40-12-191, and who have made bond, as is required under section 40-12-194, a discount in an amount equal to two percent of the first \$5,000.00 of tax paid and one percent of all amounts of tax paid in excess of \$5,000.00 under the provisions of sections 40-17-31 and 40-17-220, not to exceed in any case \$200.00 \$315.00 on taxes paid in any one month, the amount of said discount being for the purpose of partially defraying the costs to such licensed and bonded refiners, storers, distributors or wholesalers of making reports to the department of revenue and of maintaining complete and accurate records to the reporting and paying of this tax. Whoever defaults in reporting and paying such taxes when the same become due and payable to the state shall not be allowed a discount under this section.

"The commissioner of revenue is authorized and directed to promulgate reasonable rules and regulations to effectuate the purposes of this section."

Section 2. Section 40-17-221 of the Code of Alabama 1975, is hereby amended to read as follows:

S 40-17-221. (a) The provisions of this article pertaining to gasoline and the tax herein levied on gasoline shall be administered and collected in accordance with sections 40-17-30; 40-17-32 through 40-17-37, 40-17-39 through 40-17-49; and 40-17-52.

"(b) The provisions of this article pertaining to motor fuel and the tax herein levied on motor fuel shall be administered and collected in accordance with sections 40-17-1; 40-17-3 through 40-17-12; 40-17-14 through 40-17-20.

"(c) The provisions of this article pertaining to lubricating oil and the tax herein levied on lubricating oil shall be administered and collected in accordance with sections 40-17-170; 40-17-173; 40-17-176 through 40-17-186."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Higginbotham, the Rules were suspended and he was granted permission to offer the following amendment to the substitute for the Bill, S. B. 335, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR S. B. 335

Amend Section 3, Page 2, Line 27 to read as follows:

Section 3. This act shall become effective immediately upon the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 335, was then adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson	
Bailey	Gulledge	Martin	Taylor	
Barron	Higginbotham	McDonald	Teague	
Cook	Holmes	Miller	Weeks	
deGraffenried	Keener	Proctor	White	
Denton	Kirkland			—21

*Nays:* —0

And said Bill, S. B. 335, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Proctor	
Bailey	Goodwin	Kirkland	Robertson	
Barron	Gulledge	Lemaster	Taylor	
Cook	Higginbotham	Little	Teague	
deGraffenried	Holmes	Martin	Weeks	

—19

*Nays:* —0

The Bill:

S. 285. To amend Code of Alabama 1975, Section 36-27-16, which relates to the Employees' Retirement System, amending said section so as to provide that any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days, nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided that the said member shall have completed the age and service requirements established by the board of control for eligibility for deferred benefits. To provide that the board of control shall establish said age and service requirements; and that from time to time, said requirements for the minimum years of creditable service shall not be less than 10 years nor more than 25 years.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Robertson	
Bailey	Goodwin	Kirkland	Taylor	
Barron	Harrison	Little	Teague	
Cook	Higginbotham	Martin	White	
deGraffenried	Holmes	Proctor		—18

Nays: —0

#### MOTION IN WRITING

Mr. Barron offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 557, on page 133 of the 23rd Day Calendar supplement, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 557, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 591. To provide that legislative personnel shall receive all salary increases provided for state employees listed in the classified and unclassified service of the State of Alabama.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 591, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 591

Amend Senate Bill 591, page 1, line 33, before the comma by adding the following: "and such part-time employees with two or more years of continuous service,"

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Holmes	Martin
Bailey	Denton	Keener	Robertson
Barron	Goodwin	Kirkland	Taylor
Callahan	Gulledge	Lemaster	Teague
Cook	Higginbotham	Little	White

—19

*Nays:*

—0

And said Bill, S. B. 591, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Taylor
Bailey	Goodwin	Kirkland	Teague
Barron	Gulledge	Little	Weeks
Cook	Higginbotham	Martin	White
deGraffenried	Holmes	Robertson	

—18

*Nays:*

—0

The Bill:

H. 512. To change the name of the capitol security officers to state capitol police officers, to provide for the powers, duties, and jurisdiction of state capitol police officers, to provide that state capitol police officers shall be provided a uniform of a type and color as prescribed by the director of finance, and to provide that the state department of finance is authorized to insure state capitol police officers against personal injury or death while discharging their duties.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, H. B. 512, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 512

Amend House Bill 512, page 3, line 16, by inserting the word "state" after the word "of"

On motion of Mr. Cook, said amendment was laid on the table.

And said Bill, H. B. 512, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Callahan	Denton	Higginbotham
Bailey	Cook	Goodwin	Holmes
Barron	deGraffenried	Gulledge	Keener

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Kirkland	Martin	Robertson	Teague	
Lemaster	Miller	Taylor	Vacca	
Little				—20
Nays:				—0

The Bill:

S. 39. To exempt Alabama Sheriffs' Boys' and Girls' Ranches, Inc., from the payment of all state, county, and municipal sales and use taxes and to provide for retroactive effect.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 39, to-wit:

COMMITTEE AMENDMENT TO S. B. 39

Amend Senate Bill 39 on page 1, line 34 by striking out the present Section 4 and inserting in lieu thereof the following:

"Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor	
Bailey	Gulledge	Little	Robertson	
Callahan	Higginbotham	Martin	Taylor	
Cook	Holmes	Miller	Teague	
deGraffenried	Keener	Parsons	White	
Denton	Kirkland			—21

Nays: —0

And said Bill, S. B. 39, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Miller	
Bailey	Goodwin	Kirkland	Proctor	
Callahan	Gulledge	Lemaster	Robertson	
Cook	Higginbotham	Little	Taylor	
deGraffenried	Holmes	Martin	Teague	
				—19

Nays: —0

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, the first of which was the Bill:

H. 489. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868),

§40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975, to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor; to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

The question was on the amendment offered by Mr. White, which said amendment is set out in the Journal of the Senate for the Twenty-Second Legislative Day.

On motion of Mr. Barron, said amendment was laid on the table.

Mr. Barron then offered the following amendment to the Bill, H. B. 489, to-wit:

#### AMENDMENT TO H. B. 489

On page 7a, following line 35, add the following:

"Section 3. In the event that any county loses revenue under the provisions of this Act, the entire Act shall be declared null and void."

On page 7a, line 36, renumber Section 3 as Section 4 and on page 8, line 8 renumber Section 4 as Section 5.

#### RECESS

At 4:55 A.M., on motion of Mr. Barron, the Senate took a recess until 5:05 A.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

#### FURTHER CONSIDERATION OF H. B. 489

The Senate proceeded to further consideration of the Bill, H. B. 489. The question was on the amendment offered by Mr. Barron.

On motion of Mr. deGraffenried, said amendment was laid on the table.

Mr. deGraffenried then offered the following amendment to the Bill, H. B. 489, to-wit:

AMENDMENT TO H. B. 489

Amend House Bill 489, page 7, line 9, by adding two new sentences after the period of line 9, which read as follows:

"Any provision of this act to the contrary notwithstanding, no person shall be entitled to have more than 2,500 acres of forest property owned by him in each county of the state valued pursuant to the current use standard value method described hereinabove. The current use value of forest property in excess of 2,500 acres owned by any person in a county shall be determined by the tax assessor considering soil productivity or fertility, topography, susceptibility to flooding, rental value and other factors which may serve to determine value for timber production purposes, including any such factors that the Department of Revenue shall by regulation specify.

Mr. Kirkland offered the following substitute amendment for the deGraffenried amendment to the Bill, H. B. 489, to-wit:

SUBSTITUTE AMENDMENT FOR AMENDMENT TO H. B. 489

Amend House Bill 489, page 7, line 9, by adding two new sentences after the period on line 9, which read as follows:

"Any provision of this act to the contrary notwithstanding, no person shall be entitled to have more than 5,000 acres of forest property owned by him in each county of the state valued pursuant to the current use standard value method described hereinabove. The current use value of forest property in excess of 5,000 acres owned by any person in a county shall be determined by the tax assessor considering soil productivity or fertility, topography, susceptibility to flooding, rental value and other factors which may serve to determine value for timber production purposes.

On motion of Mr. deGraffenried, said substitute amendment was laid on the table.

Yeas 18; Nays 5.

*Yeas:*

Messrs.:	deGraffenried	Lemaster	Proctor
Bailey	Denton	Little	Smith
Barron	Hall	McDonald	Teague
Britnell	Higginbotham	Miller	White
Cook	Hilliard	Mitchem	

—18

*Nays:*

Messrs.:	Harrison	Robertson	Taylor
Gulledge	Kirkland		

—5

And said deGraffenried amendment was then adopted by the Senate.

Yeas 21; Nays 6.

*Yeas:*

Messrs.:	Barron	Callahan	deGraffenried
Bailey	Britnell	Cook	Denton



Goodwin	Lemaster	Miller	Robertson	
Hall	Little	Mitchem	Teague	
Higginbotham	Martin	Parsons	White	
Hilliard	McDonald			—21

*Nays:*

Messrs.:	Harrison	Proctor	Taylor	
Gulledge	Kirkland	Smith		—6

Mr. deGraffenried then offered the following amendment to the Bill, H. B. 489, as amended, to-wit:

## AMENDMENT TO H. B. 489, AS AMENDED

Amend House Bill 489, as amended, page 6, line 34, by deleting the figures "15%" and substituting in lieu thereof the figures "7 ½%"

Which was adopted.

Yeas 23; Nays 3.

*Yeas:*

Messrs.:	deGraffenried	Hilliard	Proctor	
Bailey	Denton	Little	Robertson	
Barron	Goodwin	Martin	Smith	
Britnell	Gulledge	McDonald	Taylor	
Callahan	Hall	Miller	Teague	
Cook	Higginbotham	Mitchem	White	—23

*Nays:* Messrs.: Harrison, Kirkland and Lemaster —3

And said Bill, H. B. 489, as thus amended, was read a third time at length and passed.

Yeas 24; Nays 5.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Proctor	
Bailey	Hall	Little	Robertson	
Britnell	Harrison	Martin	St. John	
Callahan	Higginbotham	McDonald	Taylor	
Cook	Holmes	Miller	Teague	
Denton	Kirkland	Mitchem	Weeks	
Goodwin				—24

*Nays:*

Messrs.:	deGraffenried	Smith	White	
Barron	Hilliard			—5

Mr. Gulledge moved that the Senate reconsider the vote by which the Bill, H. B. 489, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

## RECESS

At 5:55 A.M., on motion of Mr. Mitchem, the Senate took a recess until 4 o'clock this afternoon.

## AFTERNOON SESSION

## TWENTY-THIRD LEGISLATIVE DAY

THURSDAY, APRIL 23, 1981

The Senate re-assembled in the Senate Chamber, Lieutenant Governor McMillan presiding.

## ROLL CALL

Present:

Messrs.:	Goodwin	Kirkland	Parsons
Bailey	Gulledge	Lemaster	Proctor
Barron	Hall	Little	Robertson
Britnell	Harrison	Martin	Smith
Cook	Higginbotham	McDonald	Taylor
deGraffenried	Hilliard	Miller	Vacca
Denton	Holmes	Mitchem	White
Figures	Keener		

—29

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 17. Relating to Etowah County; to amend Section 1 of Act No. 302, H. 1043, Regular Session 1977 (Acts 1977, p. 403), relating to branch banks, so as to provide further for such banks.

Also:

S. 504. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Banks, in Pike County.

Also:

S. 569. Providing for purging the lists of registered voters in Wilcox County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars and the county governing body relative to the reidentification of registered voters.

Also:

S. 571. Relating to Madison County; to amend Section 1 of Act No. 120, H. 599, Regular Session of 1973 (Acts 1973, p. 153), so as to provide further for expense allowances of certain county officers.

JOHN W. PEMBERTON,  
Clerk.

## RESOLUTIONS

Mr. Kirkland offered the following Senate Resolutions, to-wit:

S. R. 166. CONGRATULATING MR. FRANK DEES ON HIS RECENT ELECTION TO THE MONROE COUNTY COMMISSION.

Also:

S. R. 167. CONGRATULATING MR. BOBBY G. GRISSETTE ON HIS SELECTION AS MONROE COUNTY SUPERINTENDENT OF EDUCATION.

Also:

S. R. 168. COMMENDING MR. FONDE WILLIAMS ON HIS RETIREMENT FROM THE MONROE COUNTY COMMISSION.

Which were adopted.

### UNFINISHED BUSINESS

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to further consideration of the Unfinished Business for today, the second item of which was the Bill:

S. 450. To exempt the Villa Mercy, A Corporation, the Allen Memorial Home, Inc., the Little Sisters of the Poor Home for the Aged, Inc., and the Particular Council of Mobile Society of St. Vincent de Paul from all state, county and use taxes.

On motion of Mr. Denton, further consideration of the Bill, S. B. 450, was postponed temporarily.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 169. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 23rd legislative day only:

#### BILL NO. PAGE NO. DESCRIPTION

S. B. 525.	134	Budget
S. B. 198.	29	Empl's, Merit sys. longevity apy
S. B. 231.	6	Ins., test questions, publishing of not reg.
S. B. 455	91	Veterinary Medical Examiners
H. B. 383	133	Homestead Exemptions
S. B. 382	69	Racoons or Opossums, night hunting
S. B. 287	66	Paternity suits, time limit extended
S. B. 187	11	Empl's, incentive awards sys.
S. B. 395	110	ERS & TRS, open to extend eligibility
S. B. 385	103	Ala. Rules of the Road Act, am'd

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S. B. 268	104	Ed., Bd. of, Sup't., Election of, voter in jurisdiction
H. B. 47	112	Health and accident insurance policies
H. B. 657	suppl.	Dental Practice Act
S. B. 120	suppl.	Banks, merges, etc.
S. B. 41	111	Supernumerary fund, clerks & registers
S. B. 141	20	Laws 1980, adpt, into Code, exclude Bus. Corp. Act
S. B. 526	105	Contractors, roofing, regu.
S. B. 294	62	Hospitals, extra comp., prohibit
S. B. 486	70	Honey, Labeling & Marketing
S. B. 34	25	Acting Pres. of U of Ala., retirement
S. B. 539	100	Oil & Gas, producers & refiners, regu.
S. B. 289	65	Municipal Corporations, empl. Ins. prov.
S. B. 240	24	Banks, minimum reserve reg.
S. B. 515	130	Gasoline, distribution of proceeds
S. B. 118		
S. B. 291	12	Hospitals, accreditation materials conf.
S. B. 164	4	Drugs, Med. Exam. investigators, enforce
S. B. 92	12	Public health, am'd
S. B. 417	69	So. Alabama Fair Assoc., limit removed
S. B. 566	suppl.	Liens, estate tax
S. B. 567	suppl.	Bd. of Ed., warrants, payment, fee schedule
H. B. 537	53	AL Finance Corp. Highway
S. B. 246	82	Consumer Protection Council, abolished
S. B. 217	65	Mtr. Veh., Safety Resp. Law
S. B. 305	66	Landowners, rec. purposes, liability
S. B. 347	74	Art Objects, sale of regu.
S. B. 505	107	American Lung Association, exempt

Mr. Cook offered the following substitute for the Resolution, S. R. 169, to-wit:

S. R. 169. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 23rd legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 198	29	Empl's, Merit sys. longevity apy
S. B. 231	6	Ins., test questions, publishing of not reg.
S. B. 455	91	Veterinary Medical Examiners
H. B. 383	133	Homestead Exemptions
S. B. 382	69	Racoons or Opossums, night hunting
S. B. 287	66	Paternity suits, time limit extended
S. B. 187	11	Empl's, incentive awards sys.
S. B. 395	110	ERS & TRS, open to extend eligibility
S. B. 385	103	Ala. Rules of the Road Act, am'd
S. B. 268	104	Ed., Bd. of, Sup't., Election of, voter in jurisdiction
H. B. 47	112	Health and accident insurance policies
H. B. 657	suppl.	Dental Practice Act
S. B. 120	suppl.	Banks, merges, etc.
S. B. 41	111	Supernumerary fund, clerks & registers
S. B. 141	20	Laws 1980, adpt. into Code, exclude Bus. Corp. Act
S. B. 526	105	Contractors, roofing, regu.
S. B. 294	62	Hospitals, extra comp., prohibit
S. B. 486	70	Honey, Labeling & Marketing
S. B. 34	25	Acting Pres. of U of Ala., retirement
S. B. 539	100	Oil & Gas, producers & refiners, regu.
S. B. 289	65	Municipal Corporations, empl. Ins. prov.
S. B. 240	24	Banks, minimum reserve reg.
S. B. 515	130	Gasoline, distribution of proceeds
S. B. 118		
S. B. 291	12	Hospitals, accreditation materials conf.

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S. B. 164	4	Drugs, Med. Exam. investigators, enforce
S. B. 92	12	Public health, am'd
S. B. 417	69	So. Ala Fair Assoc., limit removed
S. B. 566	suppl.	Liens, estate tax
S. B. 567	suppl.	Bd. of Ed., warrants, payment, fee schedule
H. B. 537	53	AL Finance Corp. Highway
S. B. 246	82	Consumer Protection Council, abolished
S. B. 217	65	Mtr. Veh., Safety Resp. Law
S. B. 305	66	Landowners, rec. purposes, liability
S. B. 347	74	Art Objects, sale of regu.
S. B. 505	107	American Lung Association, exempt

Which was adopted.

And on motion of Mr. McDonald, said Resolution, S. R. 169, as thus amended by the substitute, was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Biddle:

H. J. R. 299. EXPRESSING GRATITUDE TO MR. ROY CLARK FOR HIS DEDICATION TO THE CAUSE OF THE ALABAMA SPECIAL OLYMPICS.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 299, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Whatley:

H. J. R. 293. DECLARING THE WEEK OF MAY 31-JUNE 6, 1981, ALABAMA POULTRY WEEK.

WHEREAS, the poultry industry is Alabama's largest farm industry, totaling nearly \$700 million annually and accounting for over 30 percent of the total agricultural income in Alabama; and

WHEREAS, Alabama ranks third in the nation in the production of broilers and fifth in eggs; and

WHEREAS, the poultry industry provides jobs for 60 thousand Alabamians; and

WHEREAS, Francis Riley, Boaz, Alabama, has served as president of the Alabama Poultry and Egg Association with dedication, honor and utmost ethical standards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of May 31-June 6, 1981, is hereby declared to be "ALABAMA POULTRY WEEK."

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Mitchem, the Rules were suspended and the Resolution, H. J. R. 293, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep Moore:

H. J. R. 289. RECOGNIZING MR. J. E. BEARDEN FOR OUTSTANDING COMMUNITY SERVICE.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 289, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Turnham:

H. J. R. 296. COMMENDING MR. TOMMY GOFF ON HIS 25 YEARS OF SERVICE AS THE DIRECTOR OF MUSIC AT AUBURN HIGH SCHOOL.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution, H. J. R. 296, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Ford:

H. J. R. 257. RECREATING A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS AND NECESSITIES OF OFF-CAMPUS BRANCHES OR CENTERS OF JUNIOR COLLEGES.

WHEREAS, the costs of state funding for off-campus branches and centers of junior colleges have escalated in recent years; and

WHEREAS, much controversy surrounds the extent and areas of duplication of services and curriculum to the communities and taxpayers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby recreated a joint interim committee to be composed of three members of the House of Representatives and three members of the Senate, appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets relating to the costs, curriculum, duplication of curriculum within the community, needs, necessities and any other pertinent matters pertaining to off-campus branches and centers of junior colleges.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1982 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. The total of such expenses shall not exceed \$7500.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 257, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.



## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 217. To be known as a Third Party Prescription Program Act, establishing the rights and responsibilities of parties engaged in third party prescription programs; defining certain terms; providing for notice procedures, cancellation procedures, provisions to be included in contractual agreements pertaining to third party prescription programs; outlining conditions under which payment by the program administrator to the pharmacy may or may not be denied; establishing reimbursement rates; providing exceptions and repealing all conflicting laws.

Also:

H. 421. To create the office of license commissioner in Houston County; to provide for his appointment; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

Also:

H. 512. To change the name of the capitol security officers to state capitol police officers, to provide for the powers, duties, and jurisdiction of state capitol police officers, to provide that state capitol police officers shall be provided a uniform of a type and color as prescribed by the director of finance, and to provide that the state department of finance is authorized to insure state capitol police officers against personal injury or death while discharging their duties.

Also:

H. 765. Relating to the City of Dothan Pension and Retirement System; further amending Sections 5 and 10 of Act No. 103, H. 363 of the 1953 Regular Session (Acts 1953, Vol. I, p. 145), as amended, so as to provide further for creditable service and the perpetuity of the system and relief of members already retired and future retirees.

Also:

H. 798. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 799. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 819. Relating to Cleburne County; providing an additional expense allowance for the county tax assessor.

Also:

H. 864. Relating to Choctaw County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Also:

H. 865. Relating to Choctaw County, authorizing the county governing body to provide for salaries of clerical and secretarial employees which may be hired from time to time to staff the offices of the tax assessor and tax collector.

Also:

H. 866. Relating to Choctaw County; amending the title and Sections 1, 2, and 4 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), and Act No. 80-295, H. 796, 1980 Regular Session (Acts 1980, p. 409-410), relating to the appointment of the county superintendent of education, so as to provide for the election and further for the qualifications and compensation of such officer.

Also:

H. 896. Relating to Geneva County; providing further for the compensation of the coroner and repealing Act No. 56, H. 96, 1959 Regular Session (Acts 1959, p. 223).

Also:

H. 897. Relating to Geneva County; amending Act No. 75, H. 44, 1967 Regular Session, (Acts 1967, p. 107), so as to increase the fee for issuance of pistol permits.

Also:

H. 901. Relating to Baldwin County; directing and requiring Baldwin County Commission to provide for the holding of an advisory election relative to the levying of an additional sales tax to be distributed to the County Board of Education of the said County and used for certain specified public school purposes.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### RESOLUTION

Mr. Cook offered the following Senate Resolution, to-wit:

S. R. 170. ACKNOWLEDGING THE GRATITUDE OF THE SENATE TO THE SECRETARIES ON THE SENATE STAFF.

Which was adopted.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and

Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 150. EXTENDING BEST WISHES AND A FOND FAREWELL TO LOU ELLIOTT.

Also:

S. J. R. 151. COMMENDING THOSE INDIVIDUALS WHO RENDERED EXTRAORDINARY SERVICE IN CONNECTION WITH THE HURRICANE FREDERIC REFORESTATION PROJECT.

Also:

S. J. R. 154. DESIGNATING MAY 3 THROUGH 10, 1981, AS ALABAMA ALCOHOL AWARENESS—MARRIAGE AND FAMILY WEEK.

Also:

S. J. R. 156. MOURNING THE DEATH OF MISS ROSEMARY LACKEY OF TUSCALOOSA, ALABAMA.

Also:

S. J. R. 158. COMMENDING SENATOR CHARLES W. BRITNELL ON HIS APPOINTMENT AS PRESIDENT OF NORTHWEST ALABAMA STATE JUNIOR COLLEGE, PHIL CAMPBELL, ALABAMA.

Also:

S. J. R. 161. COMMENDING OUR STATE EMPLOYEES FOR THEIR CONTINUING DEDICATED SERVICE TO STATE GOVERNMENT.

Also:

S. 195. To amend Section 32-9-21, Code of Alabama, 1975, which provides for a maximum permissible length for any motor bus driven or operated upon Alabama highways so as to further provide for a maximum permissible width for any such motor bus and to repeal all laws in conflict therewith.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 79-43, the report of the Joint Interim Study Committee on Agriculture was read and ordered filed with the Secretary.

RESOLUTION

Messrs. Mitchem and Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 171. COMMENDATION OF JOSEPH P. GIVHAN FOR HIS OUTSTANDING SERVICE TO ALABAMA.

WHEREAS, Joseph P. Givhan, a native son of the State of Alabama, has worked untiringly for the betterment of our State and its citizens; and

WHEREAS, Mr. Givhan has exemplified courage, sincerity, endurance and a burning desire to help mankind; and

WHEREAS, Mr. Givhan retired on January 30, 1980, after forty-six years of service to Alabama through his employment with the Soil Conservation Service in 1934 and beginning in October 1935 with the Cooperative Extension Service; and

WHEREAS, Mr. Joe Givhan and a few friends conceived the idea of a State organization to promote the sale and export of native products and persuaded the Legislature of the State of Alabama to create The Alabama Foreign Trade Relation Commission and he, Joseph P. Givhan, became the first Director of said Foreign Trade Relations Commission. Since its inception the commission has created an export market for Alabama's agricultural products thereby bringing in additional income for Alabama farmers and increasing the State tax base; and

WHEREAS, Joseph P. Givhan, a graduate of Alabama Polytechnic Institute, now Auburn University, and the University of Chicago Graduate School; served four years in the Army of the United States of America during World War II; and

WHEREAS, he was one of the six founders of the Red Angus Cattle Breeders Association of America serving two terms as President of that organization, and served on the Secretary of Agriculture's National Cattle Industry Advisory Committee under three Federal Administrations; and

WHEREAS, in 1962 he instituted his own Good Neighbor Program by donating a Red Angus Bull from his own herd to foreign nations to help them upgrade their beef cattle industry which created good will for the United States. These purebred registered bulls have been donated to sixteen countries, including Russia and South Africa. These trips and travel expenses were paid for with his own funds; and

WHEREAS, through his efforts working with the Legislature and State Docks Department, he helped secure the money to construct grain elevators at seven river ports which were responsible for a vast expansion of the Alabama soy bean industry which grew from 165 thousand acres in 1964 to 2.3 million acres in 1980; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, in recognition of his profound leadership, his accomplishments, and his influence and regard for the citizens of the State of Alabama, do hereby pay tribute to Joseph P. Givhan and urge the people of this great State of Alabama to recognize and applaud this outstanding citizen.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives and the Secretary of the Senate jointly transmit a copy of this Resolution to the Honorable Fob James and that Governor James is hereby requested to cause this Joint Resolution to be delivered to Joseph P. Givhan.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

## SPECIAL ORDER

## BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 198. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 198, to-wit:

## COMMITTEE AMENDMENT TO S. B. 198

Amend Senate Bill 198, Page 2, Line 15, by inserting after the word "appropriated." the following:

"Such appropriation shall be conditional upon the condition of the several funds from which state employees are paid or the general fund, as the case may be, and upon the approval of the Governor."

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Lemaster	Mitchem	
Bailey	Denton	Little	Proctor	
Barron	Goodwin	Martin	Robertson	
Britnell	Hall	McDonald	Vacca	
Callahan	Holmes	Miller	White	
Cook	Kirkland			—21

*Nays:* —0

And said Bill, S. B. 198, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Denton	Lemaster	Parsons	
Bailey	Goodwin	Little	Robertson	
Barron	Hall	Martin	Smith	
Britnell	Harrison	McDonald	Taylor	
Cook	Holmes	Miller	Vacca	
deGraffenried	Kirkland	Mitchem	White	
				—23

*Nays:* —0

On motion of Mr. Robertson, the names of Messrs. Britnell, Denton, and Miller were added as co-sponsors of the above Bill, S. B. 198.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Mitchem (with notice and proof):

S. 639. Relating to DeKalb County; providing further for the distribution of the payments made in lieu of ad valorem taxes to the state by the Tennessee Valley Authority.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill S. B. 639, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Martin (with notice and proof):

S. 640. To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 640, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. White:

S. 641. To amend Section 34-23-90 of the Code of Alabama 1975, to provide on the Alabama State Board of Pharmacy representation of hospital pharmacists by changing the method of making nominations from which appointments are made to the Board.

Committee on Health and Welfare.

By Mr. Barron:

S. 642. To amend Section 40-12-414, Code of Alabama 1975, by providing that a licensee may file a financial statement with the department of revenue in lieu of posting a cash bond or surety bond; to amend Section 40-12-421, Code of Alabama 1975; to provide that only licensed dismantlers and recyclers as defined by this act will be permitted to buy at salvage pools, and revoking the privilege of licensees under Article 8, Chapter 12, Code of Alabama 1975, to buy at such pools; and further to amend said section by revoking all buyer identification cards heretofore issued under this Article and requiring all persons, firms or corporations who qualify to obtain a new buyer's identification card and pay the fee prescribed.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Mitchem:

S. 643. To create a State Department of Pardon, Parole and Probation Services; to provide for the establishment and functioning of such Depart-

ment; to provide for a Director of such Department; to provide for the adoption of uniform policies, rules, regulations and for the orderly administration of the Department; to provide for the duties of parole and probation officers; to provide for the administration and collection of contributions from employed parolees and probationers; to authorize the collection of room and board from parolees in community residential facilities; to prescribe the duties of the Department with regard to victim restitution payments; to create Commissions of Pardons, Paroles and Probations for each judicial circuit and to provide for the appointment, terms and qualifications of members; to provide for the compensation of Commission members; to provide for meetings, officers and quorum of Commissions; to provide for notice to be given prior to certain Commission action; to authorize and limit the granting of pardons and paroles, the remission of fines and forfeitures and the restoration of civil and political rights by the Commission; to provide for the compilation of a complete investigative report on each case while the case is still recent; to set forth the duties of Commissions with regard to investigations of prisoners with a view of feasibility of parole and to require the cooperation of the department of corrections; to provide for temporary leave from prison and to provide for records of such leave to be reported to the Commissions; to provide for the determination of parole by the Commissions and for the publication of an annual report by the Commissions; to provide further for limitations on the granting of paroles; to provide that conditions of parole shall be provided to the parolee in writing and to provide for arrest upon violation of parole; to limit the terms of discharge from parole; to provide for the retaking of a parolee under certain conditions; to provide a procedure for revocation of parole; to define further duties of parole and probation officers with respect to any court; to provide for the restoration of voting rights; to provide that duties imposed upon Commissions are mandatory; to provide that knowing or willful neglect or failure of duty by a Commission member shall be a Class C felony; to provide that actions of Commissions contrary to this Act shall be null and void; to create and establish an Advisory Committee to the Department; to provide for the making of rules and regulations; to validate the Interstate Compact; to validate action of the Board of Pardons and Paroles taken prior to effective date of Act subject to subsequent review by Commissions; to transfer all assets, liabilities, contractual rights, obligations, property rights, real and personal, appropriations and funds to the Department; to provide for severability of provisions of this Act; to repeal laws relating to the Board of Pardons and Paroles, thus abolishing the Board of Pardons and Paroles; and, to provide for an effective date of this Act.

Committee on Finance and Taxation.

By Mr. White:

S. 644. To exempt the Alabama Federation of Women's Clubs from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Messrs. White and Smith:

S. 645. To provide that state employees' existing benefits and certain future benefits shall not be affected by any employees' reclassification plan.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 646. To amend Section 16-25-1 of the Code of Alabama 1975 relat-

ing to definitions for the teachers' retirement system so as to redefine "teacher" to include employees of the Alabama State Federation of Teachers.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 647. To provide for domestic violence shelters to grant relief from family violence disturbances; to prescribe the duties, responsibilities and powers of the office of prosecution services, the district attorneys, the executive committee of the Alabama District Attorney Association, and the facilities relating to administering the provisions of this act; to provide for certification, process, contracting and certain funding for facilities and programs which provide service for victims of domestic violence; to authorize each participating district attorney to formulate and conduct certain research, evaluation and educational programs related thereto within its jurisdiction or community; to empower the said facilities to enlist the assistance of certain public, voluntary and state agencies and to be established or operate on a joint basis; to authorize contracting for services ro shelter; to prescribe that the participating district attorneys, facilities and the office of prosecution services shall make certain reports; to provide certain matching funds for qualified applicants for contracting services or shelter, and to establish eligibility and standards therefor; to exempt certain facilities from the provisions of Title 38, Chapter 7 and Title 26, Chapter 14 of the Code of Alabama 1975; to prescribe that certain information shall be confidential; to increase marriage license fees for purposes of funding the provisions of this act; to prescribe a limitation on the use of matching funds for administration of the provision of this act; to provide for the disposition of unencumbered and unspent funds; and to provide for certain immunities.

Committee on Finance and Taxation.

By Mr. Higginbotham:

S. 648. To regulate service area expansions by certain water works authorities in this state.

Committee on Governmental Affairs.

By Mr. Cook:

S. 649. Relating to the rules of the road; prescribing a certain fine for certain speeding violations on interstate highways and prohibiting such violations from being recorded on driving records.

Committee on Judiciary.

#### MOTIONS IN WRITING

Mr. Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 596, on page 93 of the 23rd Day supplement Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 596, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Hilliard offered the following Motion in Writing, to-wit:



I move that the Bill, S. B. 532, on page 129 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 532, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sasser (with notice and proof):

H. 844. Relating to Dale County; providing further for the expense allowance of the members of the county board of education and repealing Act No. 77, H. 458, Regular Session 1965, p. 104).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 844, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Sasser and Grimsley (with notice and proof):

H. 914. Relating to Henry County, to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters and supplies for the probate office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 914, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Kelley (with notice and proof):

H. 930. To alter, rearrange and extend the boundary lines and corporate limits of the town of Grant, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 930, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Crow (with notice and proof):

H. 943. Relating to Calhoun County; amending Act No. 963, S. 1177,

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1975 Regular Session (Acts 1975, p. 1996), which provides for a civil service system for the City of Oxford, so as to increase the compensation of the board members of said system.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 943, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Ray, Grimsley, Whatley and Sasser (with notice and proof):

H. 947. To authorize the Barbour County Commission to provide protection against uncontrolled fires and to assist with and encourage the use of beneficial forestry practices, such as plowing fire lanes, assisting in controlled burning, etc., within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 947, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Hall and Shavers (with notice and proof):

H. 959. Authorizing the Board of County Commissioners or like governing body of Jackson County, Alabama, to appropriate and pay county funds to volunteer nonprofit fire departments and volunteer nonprofit corporations or organizations, organized for the purpose of providing volunteer service in emergency situations arising in said Jackson County, for the purchase of equipment, materials and supplies.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 959, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Stout and Rains (with notice and proof):

H. 978. Relating to DeKalb County; fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund and repealing Act No. 370, S. 570, 1971 Regular Session (Acts 1971, p. 663).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 978, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 980. Relating to St. Clair County; to amend sections 1 and 2 of Act No. 79-607, H. 938, Regular Session 1979 (Acts 1979, p. 1075) relating to the taxation of certain alcoholic beverages in the county, so as to increase said tax and to discontinue the use of tax stamps.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 980, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Adams (C) and Whatley (with notice and proof):

H. 985. Relating to Phenix City; amending Section 3.11 of Act No. 71, H. 114, 1977 Regular Session (Acts 1977, p. 78), which provides for a council-manager form of government in certain municipalities based on a population classification, so as to provide for the filling of vacancies in the council of such municipality.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 985, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Adams (C) and Whatley (with notice and proof):

H. 986. Relating to the city of Phenix City; to further provide for the qualifications to engage in the bail bond business for the release of persons held by the city of Phenix City.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 986, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Whatley and Adams (C) (with notice and proof):

H. 987. Relating to Russell County; to provide that all monies hereafter accruing to Russell County which are dedicated to the construction, maintenance and repair of roads and bridges and traffic control shall be paid into the county road and bridge fund; to repeal Act No. 251, H. 701, Regular Session 1969 (Acts of 1969, p. 583), and Act No. 684, H. 1109, Regular Session 1971 (Acts of 1971, p. 1410), and any other laws which conflict herewith.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 987, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep Greer:

H. 979. To propose an amendment to the Constitution of Alabama of 1901 relating to Lauderdale County that would empower each local school tax district within the Lauderdale County school district in said county, when authorized at an election therein, to levy and collect a special district school tax not exceeding ten mills on the assessed valuation of the taxable property in such district for public school purposes in such district, and conferring upon the county board of education of said county the power under some circumstances and without an election to change the boundaries of any local school tax district in said county or consolidate any two or more local school tax districts therein.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 844, 914, 930, 943, 947, 959, 978, 980, 985, 986, 897, and 979. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 979, was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed (with notice and proof):

H. 1001. Relating to Macon County; to provide for an additional expense allowance for the board of Registrars of said county; and to repeal Act No. 421, H. 1008, 1965 Regular Session (Acts 1965, p. 623).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1001, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1002. Relating to Macon County; amending further Act No. 102, H. 237, Regular Session 1935 (Local Acts 1935, p. 38), which relates to the selection of the superintendent of education and prescribes his duties, qualifications, compensation and term of office, so as to provide further for his compensation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1002, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1003. To amend Act No. 80-512, 1980 Regular Session, relating to a work release program for Macon County, so as to alter the composition of the board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1003, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1004. Relating to Macon County; authorizing the county commission and the sheriff to employ additional deputies sheriff and jail personnel in order to comply with the mandates of the federal courts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1004, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1006. Relating to Macon County; providing for a certain law enforcement substation program throughout the county and establishing a certain trust fund for the support of such program; providing for the hiring of certain additional deputies to staff such substation and providing that the county shall finance certain costs of such program.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1006, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1007. Relating to Macon County; regulating further certain costs and charges of the probate court and certain other fees of the probate judge.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1007, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1001, 1002, 1003, 1004, 1006, and 1007. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Whatley and Adams (C) (with notice and proof):

H. 988. Relating to Russell County; to provide for an additional expense allowance for the members of the county board of registrars.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 988, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Whatley and Adams (C) (with notice and proof):

H. 989. To amend and re-enact Act No. 403, H. 107, Regular Session 1975 (Acts of 1975, p. 1002), entitled, "An Act To provide for an increase in the compensation of the bailiffs of the circuit court of the 26th judicial circuit," so as to provide that the compensation provided in said Act shall be designated as an expense allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 989, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Whatley and Adams (C) (with notice and proof):

H. 990. Relating to Russell County; to provide an expense allowance for the county coroner; to repeal Act No. 306, H. 745, Regular Session 1971 (Acts 1971, p. 607) and Act No. 460, H. 1119, Regular Session 1975 (Acts 1975, p. 1087) and other conflicting acts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 990, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Whatley and Adams (C) (with notice and proof):

H. 991. Relating to Russell County; to authorize the county commission to hire a county license inspector; to prescribe the duties and compensa-

tion of such inspector and to repeal specifically Act No. 79-595 of the 1979 Regular Session of the Legislature and all other laws in conflict with this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 991, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Whatley and Adams (C) (with notice and proof):

H. 992. Relating to Russell County; to amend Section 4 of Act No. 408, S. 689, Regular Session 1978 (Acts of 1978, p. 393), which relates to the method of compensating certain county officers in Russell County, and providing for a clerk hire allowance for each such office, so as to provide further for the hiring of clerks in said office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 992, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Whatley and Adams (C) (with notice and proof):

H. 993. To authorize the Russell County commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County except within the city limits of Phenix City and Hurtsboro and two cents in the Phenix City and Hurtsboro police jurisdictions; to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system and the county general fund; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; to provide for the use of the proceeds derived from the tax; and to repeal Act No. 80-487, H. 933, 1980 Regular Session (Acts 1980, p. 757), relating to a levy of a privilege or license tax for the sale of malt or brewed beverages to certain retailers in Russell County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 993, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Smith (C) (with notice and proof):

H. 995. Proposing an amendment to the Constitution of Alabama of 1901 authorizing Chilton County to levy and collect a special property tax on property outside the corporate limits of any incorporated municipality in such county, the proceeds of which shall be used to provide fire, medical and emergency services to unincorporated areas of the county; providing for its operation if approved by a majority of the qualified electors of the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 995, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Rains (with notice and proof):

H. 996. Relating to DeKalb County; to provide for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 996, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 998. Relating to Macon County; providing further for the expense allowances of the members of the jury commission; repealing Act No. 80-776, S. 130, 1980 Regular Session (Acts 1980, p. 1611); and providing for the termination of the provisions of this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 998, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 999. Relating to Macon County; providing a travel allowance for members of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 999, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1000. To provide for a special recording fee, in addition to all existing recording fees and charges for documents hereafter filed for record in Macon County; and to prescribe the use thereof.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1000, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:



H. B.'s 988, 989, 990, 991, 992, 993, 995, 996, 998, 999, and 1000. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 995, was read a first time at length as required by the Constitution.)

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghby (with notice and proof):

H. 683. To provide a supplement to the salaries of circuit court bailiffs in the Thirteenth Judicial Circuit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 683, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Sandusky (with notice and proof):

H. 839. To establish the Mobile County Litter Control Act of 1981; to provide purpose and intent; to provide for definitions, penalties, enforcement and collection of fines. To provide for an effective date, severability and the repeal of conflicting acts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 839, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 905. Relating to Mobile County; to prohibit the possession of certain firearms on parts of the Escatawpa River.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 905, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Smith (J) (with notice and proof):

H. 902. To authorize a procedure whereby the Sheriff of Madison County, Alabama is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Madison County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper

of general circulation published in Madison County, Alabama or by posting in a conspicuous place at the Madison County Courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Madison County, Alabama may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Madison County, Alabama.

I hereby Certify that the Notice & Proof is attached to the Bill, H. B. 902, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Sandusky, Bedsole, Stewart and Harper (T) (with notice and proof):

H. 935. To amend Title 16, Section 39, Subsection 7 of the Code of Alabama, 1975, so as to require that twenty (20) percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be reallocated for the gifted child.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 935, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Pegues (with notice and proof):

H. 957. Relating to Perry County; to amend further Section 1 of Act No. 348, H. 868, Regular Session 1969 (Acts 1969, p. 720), relating to a clerk hire allowance and expenses of the tax assessor and tax collector, so as to provide for an additional clerk for the tax assessor.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 957, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Riddick (with notice and proof):

H. 958. Relating to Madison County, Alabama; providing further for the compensation of the members of the Madison County Board of Education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 958, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Grouby and Edwards (with notice and proof):

H. 970. Relating to Lowndes County; fixing the fee for issuance of a pistol permit fee by the sheriff; providing for the distribution and use of such fees; and to repeal Act No. 119, H. 108 (Acts of Alabama 1969, p. 190), Regular Session 1969, as amended, and all other laws or parts of laws in conflict herewith.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 970, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Laird (with notice and proof):

H. 971. Relating to Randolph County; providing further for an expense allowance for the county commission of said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 971, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Laird (with notice and proof):

H. 972. Relating to county health officers or administrators in Randolph County; authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 972, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 683, 839, 905, 902, 935, 957, 958, 970, 971, and 972. To the Committee on Local Legislation No. 1.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 364. To further regulate interest rates on life insurance policy loans and to provide for any conflicts between the provisions of this bill and Section 27-15-5, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION  
23rd Day

1029

Yeas 15; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Miller
Bailey	Gulledge	Little	Taylor
Cook	Hall	Martin	Vacca
Denton	Holmes	McDonald	White

—15

*Nay:* Mr. Barron.

—1

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

RESOLUTION

Mr. Martin offered the following Senate Joint Resolution, to-wit:

S. J. R. 172. REQUIRING THE CHIEF EXAMINERS OF PUBLIC ACCOUNTS TO ASCERTAIN AMOUNT OWED BY STATE TO THE COUNTIES FOR HOUSING, FEEDING, AND CARING FOR STATE PRISONERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the chief examiner of public accounts is hereby authorized and directed to provide for ascertaining the exact amount currently owed by the State of Alabama to each of the several counties of the state for housing, feeding and caring for state prisoners.

BE IT FURTHER RESOLVED, That the chief examiner of public accounts report his findings, itemizing the amount owed to each county of the state and also showing the total amount owed to all counties, to the joint Legislative Committee on Public Accounts at the next quarterly meeting of said committee.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 501. To amend section 2-3A-7, Code of Alabama 1975, to authorize the Alabama Agricultural Development Authority to invest its funds in additional ways.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Mitchem
Bailey	Gulledge	Lemaster	Proctor
Britnell	Harrison	Little	Smith
Cook	Higginbotham	Martin	Taylor
Denton	Holmes	Miller	Vacca

—19

*Nays:*

—0

The Bill:

S. 455. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Section 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41, and 34-29-45 of the Code of Alabama 1975, so as to: limit board members to two terms; authorize the board to increase the following fees: (1) examination fee for veterinarians, not to exceed \$50.00; (2) annual renewal fees for veterinarians, not to exceed \$25.00; (3) examination fee for animal technicians, not to exceed \$25.00; and (4) annual renewal fees for animal technicians, not to exceed \$15.00; and to provide further for the compensation of board members.

was taken up.

Mr. Miller offered the following substitute for the Bill, S. B. 455, to-wit:

#### SUBSTITUTE FOR S. B. 455

##### A BILL TO BE ENTITLED AN ACT

To amend Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41 and 34-29-45, Code of Alabama 1975, which relate to the Alabama Board of Veterinary Medical Examiners, so as to provide further for the term and compensation of the members of the board and to increase the fees of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41 and 34-29-45, Code of Alabama 1975, are hereby amended to read as follows:

"§ 34-29-4. The Alabama state board of veterinary medical examiners may establish qualifications and rules and regulations for the examination and registration of animal technicians, which animal technicians shall be defined as persons other than a veterinarian who perform those acts which require limited skill, responsibility and a minimal exercise of independent judgment in the treatment of patients of veterinarians and under the direct and immediate supervision of veterinarians.

"Any veterinarian who is legally qualified to practice in the state of Alabama may be issued a permit by the Alabama state board of veterinary medical examiners to employ animal technicians under such terms and conditions as may be proposed by the said Alabama state board of veterinary medical examiners. Anyone who employs an animal technician must make an application to the Alabama state board of veterinary medical examiners for a permit to employ a specific person whose name, together with such other information as may be desired, shall be furnished to the said Alabama state board of veterinary medical examiners, and the said board may also require the proposed animal technician to submit to an examination. The fee for such examination shall not be less than \$10.00 nor more than \$20.00 be determined by the board not to exceed \$25.00. The board shall issue permits to the veterinarians and permit certificates to the animal technicians who have passed the examination and have been found qualified by the board. There shall be an annual renewal of each permit issued and a renewal fee established by the board, not to exceed \$5.00 \$15.00. Such a permit shall cover the specific employment to which it refers and does not authorize the holder thereof to employ any other technician other than the one named in the permit. A permit shall be obtained for each animal technician employed.

"Animal technicians shall not perform any duties or operations anywhere at any time or any place, except under the direct and immediate supervision or in the office of a legally qualified veterinarian or in a school or hospital that holds a permit from the Alabama state board of veterinary medical examiners to employ such animal technicians, and said permits shall be displayed at all times in the office of the holder thereof at such place as to be easily accessible to the public or his patients. Said board may cancel any such permit which it may have issued for violation of the laws of Alabama relating to the practice of veterinary medicine or for the violation of any of the rules and regulations of the said board after giving such persons 10 days' notice of the time and place of hearing; and, should the board revoke the said permit, such persons shall have the right of appeal to the circuit court, to be heard and governed as appeals by veterinarians in such cases are heard and governed. The state board of health, schools or hospitals may be issued permits to employ animal technicians under such terms and conditions as may be prescribed by the Alabama state board of veterinary examiners. Any veterinarian who permits the duties of the animal technician to be done in his office without having been issued a permit as herein provided or any person who is employed as an animal technician whose employer has not obtained a permit shall be guilty of a misdemeanor and, upon conviction, for the first offense shall be fined not less than \$50.00 nor more than \$500.00 and, for the second offense, not less than \$250.00 nor more than \$500.00, and may also be imprisoned at hard labor not less than three months nor more than four months. Nothing, however, in this article shall be construed to prevent a student of veterinary medicine from performing operations under the supervision of a competent instructor in veterinary medicine recognized by the Alabama state board of veterinary examiners."

"§ 34-29-20. A state board of veterinary medical examiners is established to consist of five members, who shall be members of the state veterinary medical association of Alabama in good standing, and who shall be graduates of an accredited veterinary medical college, approved by the American Veterinary Medical Association. No board member shall serve more than two (2) terms of office, provided further, that any person serving as a board member as of the effective date of this act shall be entitled to serve an additional term of office. The state board of veterinary medical examiners shall be a body corporate, with the right to sue and be sued. It shall have and use a seal. It shall have the right and power to hold hearings, to call witnesses and to take testimony bearing on the records of applicants for certificates of qualifications to practice veterinary medicine and surgery in Alabama, and on the records of practitioners who may be under consideration by the board on charges of misconduct. The state board of veterinary medical examiners in its corporate capacity, or any individual member of the board, may prosecute in court an action of quo warranto or other proper action to oust from the practice any unlawful practitioner of veterinary medicine or surgery or may assist the attorney general or any district attorney in prosecutions for criminal violations of this chapter."

"§ 34-29-23. The members of the state board of veterinary medical examiners shall receive \$40.00 \$75.00 a day for each day such a member is actually engaged in the work of the state board and, in addition, the usual per diem expenses allowed to other persons acting in the service of the state of Alabama or any of its agencies, institutions, boards, bureaus or commissions. The secretary-treasurer shall receive, in addition thereto, a salary of \$100.00 a year. He shall be required to make semiannual reports in detail to the board. The legal expenses of the board for administration of this chapter shall be paid from funds in the state treasury to the credit of the board and shall be

paid only on warrant of the state treasurer and approved by the governor. No funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Title 41, chapter 4, article 4 of this Code and only in amounts as stipulated in the general appropriations act."

"§ 34-29-41. Every person who shall hold a certificate of qualification to practice veterinary medicine and surgery in Alabama and who shall engage in such practice shall pay an annual privilege license fee of \$10.00 an amount to be determined by the board, not to exceed \$25.00, which shall be paid to the secretary-treasurer of the state board of veterinary medical examiners, the same to be payable not later than January 15 in each calendar year; except, that those who receive certificates of qualification to practice during the calendar year shall have 10 days thereafter in which to pay such annual privilege license fee; and except, that former practitioners who resume practice during the calendar year shall have 10 days after such resumption of practice to pay such annual privilege license fee. Any person whose license has been suspended for failure to make annual renewal may have same reinstated upon payment to the board all fees that would have been paid if he/she had maintained their license in good standing plus a reinstatement fee of Fifty Dollars (\$50.00) and possible re-examination according to the discretion of the board. Each person who shall apply to the board for a certificate of qualification, whether upon examination or upon certification from another state, shall accompany each such application with a fee of \$15.00 Fifty Dollars (\$50.00) in addition to all other costs involved in standing the state board examination. All fees collected hereunder shall be paid to the secretary-treasurer and shall be accounted for by him in detail. These fees shall be deposited in the state treasury to the credit of the state board of veterinary medical examiners and shall be used and expended by said board for the administration and enforcement of this article."

"§ 34-29-45. The state board of veterinary medical examiners shall, in its bylaws, fix times and places for at least two regular examinations each year and shall give wide publicity to the profession of the times and places of such regular examinations. It may hold special examinations from time to time and, in its own discretion, anywhere in the state of Alabama. At least three of the members must be present when any examination is conducted. Said examinations shall be theoretical and practical and may either be written or oral, partly written and partly oral. All examinations shall include the following subjects: veterinary anatomy, veterinary surgery, veterinary medicine, veterinary obstetrics, pathology and bacteriology, therapeutics and pharmacy, veterinary physiology, animal husbandry and dairying, meat inspection, milk inspection, chemistry and veterinary sanitation. The board is authorized to establish and collect an examination fee, not to exceed \$50.00, for each examination given."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Parsons
Britnell	Harrison	Little	Smith
Denton	Higginbotham	Martin	Taylor
Goodwin	Holmes	Miller	Vacca
Gulledge	Kirkland	Mitchem	White

—19

Nays:

—0

REGULAR SESSION  
23rd Day

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And said Bill, S. B. 455, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Proctor
Bailey	Hall	Martin	Smith
Britnell	Holmes	McDonald	Taylor
deGraffenried	Kirkland	Miller	Vacca
Denton	Lemaster	Mitchem	White

—19

*Nays:* —0

The Bill:

S. 164. To authorize the investigators of the State Board of Medical Examiners to enforce the provisions of the Alabama Uniform Controlled Substances Act and to grant to such investigators the powers of peace officers in the performance of their duties.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	McDonald	Smith
Britnell	Harrison	Miller	Taylor
deGraffenried	Holmes	Mitchem	Vacca
Denton	Kirkland	Parsons	White
Goodwin	Lemaster	Proctor	

—22

*Nays:* —0

POINT OF PERSONAL PRIVILEGE

Mr. Parsons stated that had he been present when the vote was taken on final passage of the Bill, H. B. 489, he would have voted "Nay".

MOTION IN WRITING

Mr. Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 218, on page 5 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 218, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

H. 383. To amend Section 40-9-19 of the Code of Alabama 1975, as amended by Act 80-731 of the 1980 Regular Session of the Alabama Legisla-



ture relating to homestead exemptions for ad valorem tax purposes for persons 65 years of age or older and disabled or blind so as to prescribe further the amount of exemption.

was taken up.

On motion of Mr. Denton, further consideration of the Bill, H. B. 383, was postponed temporarily.

The Bill:

S. 382. To amend Section 9-11-235.1 of the Code of Alabama 1975 so as to provide further for taking or hunting raccoons or opossums at night.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Robertson	
Bailey	Hall	Martin	Smith	
Britnell	Higginbotham	McDonald	Taylor	
deGraffenried	Holmes	Miller	Vacca	
Denton	Kirkland	Mitchem	Weeks	
Goodwin	Lemaster	Parsons		—22

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Ray, Grimsley, Whatley and Sasser (with notice and proof):

H. 946. To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Barbour County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Barbour County; prescribing the procedure for the collection of such assessments; prescribing authority and responsibility of the Barbour County Tax Collector and County Treasurer therefor; and prescribing an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 946, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 946. To the Committee on Local Legislation No. 1.

FURTHER CONSIDERATION OF H. B. 383

The Senate proceeded to further consideration of the Bill, H. B. 383.

And said Bill, H. B. 383, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Parsons
Bailey	Hall	Little	Robertson
Britnell	Higginbotham	Martin	Smith
Cook	Holmes	McDonald	Taylor
Denton	Kirkland	Mitchem	White
Goodwin			—20

*Nays:* —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 291. To provide for the confidentiality of all written materials and activities concerning the accreditation, quality assurance, or similar function of any hospital, clinic, or medical staff.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Parsons
Barron	Hall	Little	Robertson
Britnell	Harrison	Martin	Smith
deGraffenried	Higginbotham	McDonald	Taylor
Denton	Holmes	Miller	Vacca
Goodwin	Kirkland	Mitchem	White
			—23

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 633. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Also:

By Rep. Owens:

H. 634. To make appropriations for the support and maintenance of the Talladega College.

Also:

By Rep. Owens:

H. 635. To make appropriations for the support and maintenance of the Walker County Junior College.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 633, 634, and 635. To the Committee on Finance and Taxation.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 287. To Amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

was read third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 1.

Yeas:

Messrs.:	Goodwin	Lemaster	Mitchem	
Britnell	Hall	Little	Robertson	
Cook	Higginbotham	Martin	Smith	
deGraffenried	Hilliard	McDonald	Taylor	
Denton	Holmes	Miller	Vacca	
Figures				—20

Nay: Mr. Barron. —1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 632. To make appropriations for the support and maintenance of the Marion Military Institute.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 632. To the Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee in session had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Parsons (with notice and proof):

S. 269. Relating to Jefferson County; pertaining further to the licensing for the sale of alcoholic beverages; providing that the municipal governing body shall have the authority to approve any license for the sale of alcoholic beverages within its corporate limits; and providing the county governing body shall have the authority to approve any license for the sale of alcoholic beverages to any establishment located within the county but outside the city limits of the municipalities.

By Mr. Cook (with notice and proof):

S. 538. To supplement the salaries of the Circuit Judges of the Tenth Judicial Circuit.

By Mr. Hall (with notice and proof):

S. 620. Relating to Jefferson County; prescribing procedure for payment of the cost of construction of sewage system lines within the county.

By Mr. Hall (with notice and proof):

S. 621. Relating to Jefferson County; providing for the method of electing the county board of education.

By Messrs. Cook, Parsons, Vacca, Hilliard and White (with notice and proof):

S. 626. To further amend Act No. 497, Regular Session of the Legislature of Alabama of 1965, (Ala. Acts, 1965, pp. 717-739) establishing a pension system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Coburn (with notice and proof):

H. 809. To authorize the city of Tuscumbia to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed:

H. 776. To make appropriations for the support and maintenance of the Tuskegee Institute.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 776. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 292. To amend Section 27-15-11, Code of Alabama, 1975, which relates to the reinstatement of lapsed life insurance policies, so as to make the maximum interest rate on amounts of overdue premiums and other indebtedness to the insurer, payable upon reinstatement, the same as the interest rate on policy loans as specified in the policy in accordance with Section 27-15-8, Code of Alabama, 1975.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed (with notice and proof):

H. 1005. Relating to Macon County; providing for a travel allowance for members of the county board of education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1005, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1005. To the Committee on Local Legislation No. 1.

BILLS ON THIRD READING RESUMED

The Bill:

S. 187. To authorize the State Board of Pardons and Paroles to establish a program that will allow the expenditure of state funds for employee incentive awards.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 187, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 187

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the State Board of Pardons and Paroles to establish a program that will allow the expenditure of state funds for employee incentive awards.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Board of Pardons and Paroles is hereby authorized and empowered to promulgate rules and regulations to establish a program that will authorize the Board of Pardons and Paroles to expend certain state monies appropriated to them for the purpose of awarding incentive awards to outstanding employees.

Section 2. The expenditure for this program as established shall not exceed two hundred and fifty dollars (\$250.00) annually.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Figures	Hilliard	McDonald
Bailey	Gulledge	Holmes	Miller
Barron	Hall	Lemaster	Smith
Britnell	Harrison	Little	Taylor
deGraffenried	Higginbotham	Martin	Vacca
Denton			

—20

Nays:

—0

And said Bill, S. B. 187, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Mitchem	
Barron	Harrison	Little	Robertson	
Britnell	Higginbotham	Martin	Smith	
Denton	Hilliard	McDonald	Taylor	
Figures	Holmes	Miller	Vacca	
Gulledge				—20

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Edwards:

H. 156. To amend Section 11-43-4, Code of Alabama 1975, to provide that the clerk and other officers of a city or town elected by the council shall serve until their successor or successors are elected and qualified.

Also:

By Rep. Ward, Whatley, Grimsley, McMillan, Starkey, Letson, Brakefield, Zoghby, Turner, Minus and Daniels:

H. 554. To provide for the certification of manufactured buildings; to provide for the regulation, administration and enforcement of the provisions of this act by the Alabama state fire marshal and to provide penalties for violations of this act or any rule or regulation promulgated hereunder.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 156. To the Committee on Governmental Affairs.

H. B. 554. To the Committee on Commerce, Transportation, and Utilities.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Sasser and Grimsley:

H. 915. Proposing an amendment to the Constitution of Alabama, 1901, relative to the fees and compensation of the judge of probate of Henry County.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read a first time at length as required by the Constitution, and referred to appropriate Standing Committee, as follows:

H. B. 915. To the Committee on Local Legislation No. 1.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 395. To amend Code of Alabama 1975, Section 16-25-11, which relates to the Teachers' Retirement System; and Section 36-27-11 which relates to the Employees' Retirement System amending said sections so as to extend the period of eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1981, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Parsons
Barron	Harrison	Little	Robertson
Britnell	Higginbotham	Martin	Smith
Cook	Hilliard	McDonald	Taylor
Denton	Holmes	Mitchem	Vacca
Figures			—20

*Nays:* —0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:



By Rep. Owens:

H. 631. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 631. To the Committee on Finance and Taxation.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 385. To amend sections 1-100, 3-110, 4-106, 5-107, and 9-102 of Act No. 80-434, S. 2, Regular Session 1980 (Acts of Alabama 1980, p. 604), entitled, "Alabama Rules of the Road Act" providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 385, to-wit:

### COMMITTEE AMENDMENT NO. 1 TO S. B. 385

Amend Senate Bill No. 385, Page 15, Line 32, by striking out "controlled substance" and inserting in lieu thereof "drugs".

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Parsons
Bailey	Gulledge	Martin	Robertson
Barron	Hall	McDonald	Smith
Britnell	Harrison	Miller	Taylor
Cook	Higginbotham	Mitchem	Vacca
Denton	Holmes		

—21

*Nays:*

—0

The Standing Committee on Judiciary then reported the following amendment to the Bill, S. B. 385, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO S. B. 385, AS AMENDED

To amend Senate Bill 385 by inserting the following amended section 9-106 to more clearly express the legislative intent of the section amended:

Amend page 1, line 11, by inserting "9-106" following "5-107" further amend page 1, line 26 by inserting "9-106" following "5-107" further amend page 16, line 39 by inserting the following amended section.

§ 9-106. (a) The director of public safety is hereby authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the correct or required information in his application. Upon such cancellation the licensee must surrender the license so cancelled. If such licensee refuses to surrender such license, he shall be guilty of a misdemeanor.

(b) The privilege of driving a motor vehicle on the highways of this state given to a non-resident hereunder shall be subject to suspension or revocation by the director of public safety in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(c) The director of public safety is further authorized, upon receiving a record of the conviction in this state of a non-resident driver of a motor vehicle of an offense, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

(d) When a non-resident's operating privilege is suspended or revoked, the director of public safety shall forward a certified copy of the record of such action to the motor vehicle administrator in the state wherein such person resides.

(e) The director of public safety is authorized to suspend or revoke the license of any resident of this state or the privilege of a non-resident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of any offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of a driver.

(f) The director of public safety may give such effect to conduct of a resident in another state as is provided by the laws of this state had such conduct occurred in this state.

(g) Whenever any person is convicted of any offense for which this Act makes mandatory the revocation of the license of such person by the department, the court in which such conviction is had shall require the surrender to it of any driver's license then held by the person convicted and the court shall thereupon forward the same together with a record of such conviction to the director of public safety.

(h) Every court having jurisdiction over offenses committed under this article or any other law of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, shall forward to the director of public safety within ten (10) days a record of the conviction of any person in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the driver's license of the person so convicted.

(i) For the purposes of this article the term "conviction" shall mean a final conviction. Also, for the purposes of this article an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, a plea of nolo contendere accepted by the court, the payment of a fine, a plea of guilty or a finding of guilt of a traffic violation charge, shall be equivalent to a conviction regardless of whether the penalty is rebated, suspended or probated.

(j) The director of public safety shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses:

(1) Manslaughter or homicide by vehicle resulting from the operation of a motor vehicle;

(2) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor, provided, however, that on a first conviction Upon a first conviction of driving or being in actual physical control of any vehicle while under the influence of alcohol or under the influence of a drug to a degree which renders him incapable of safely driving or under the combined influence of alcohol and a drug to a degree which renders him incapable of safely driving, such revocation shall take place only when ordered by the court rendering such conviction;

(3) Driving a motor vehicle while an habitual user or under the influence of any controlled substance to a degree which renders him incapable of safely driving a motor vehicle; Upon a second or subsequent conviction within a five-year period, of driving or being in actual physical control of any vehicle while under the influence of alcohol or under the influence of a drug to a degree which renders him incapable of safely driving or under the combined influence of alcohol and a drug to a degree which renders him incapable of safely driving;

4. Any felony in the commission of which a motor vehicle is used;

5. Failure to stop, render aid, or identify himself as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

6. Perjury or the making of a false affidavit or statement under oath to the director of public safety under this article or under any other law relating to the ownership or operation of motor vehicles;

7. Conviction upon three charges of reckless driving committed within a period of twelve months;

8. Unauthorized use of a motor vehicle belonging to another which act does not amount to a felony.

(k) The director of public safety is hereby authorized to suspend the license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;

2. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

3. Is an habitually reckless or negligent driver of a motor vehicle, such fact being established by a record of accidents, or by other evidence;
4. Is incompetent to drive a motor vehicle;
5. Has permitted an unlawful or fraudulent use of such license;
6. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation;
7. Has been convicted of fleeing or attempting to elude a police officer; or
8. Has been convicted of racing on the highways.

(1) Upon suspending the license of any person as hereinbefore in this section authorized, the director of public safety shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practicable, not to exceed thirty days after receipt of such request in the county wherein the licensee resides unless the director of public safety and the licensee agree that such hearing may be held in some other county. Such hearing shall be before the director of public safety or his duly authorized agent. Upon such hearing the director of public safety or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses in the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the director of public safety or his duly authorized agent shall either rescind its order of suspension or, good cause appearing therefor, may continue, modify or extend the suspension of such licensee or revoke such license. If the license has been suspended as a result of the licensee's driving while under the influence of alcohol, the director or his agent conducting the hearing shall take into account, among other relevant factors, the licensee's successful completion of any duly established "Highway Intoxication Seminar", "DWI Counterattack Course" or similar educational program designed for problem drinking drivers. If the hearing is conducted by a duly authorized agent instead of by the director of public safety himself, the action of such agent must be approved by the director of public safety.

(m) The director of public safety shall not suspend a driver's license or privilege to drive a motor vehicle upon the public highways for a period of more than one year, except as permitted under § 32-6-19, Alabama Code.

(n) At the end of the period of suspension a license surrendered to the director of public safety under paragraph (o) shall be returned to the licensee.

(o) The director of public safety upon cancelling, suspending or revoking a license shall require that such license be surrendered to and be retained by the director of public safety. Any person whose license has been cancelled, suspended or revoked shall immediately return his license to the director of public safety. If such licensee refuses to surrender such license, he shall be guilty of a misdemeanor.

(p) Any resident or nonresident whose driver's license or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this section shall not operate a motor vehicle in this state under a license or permit issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this article.

(q) Any person denied a license or whose license has been cancelled, suspended or revoked by the director of public safety except where such

cancellation or revocation is mandatory under the provision of this article shall have the right to file a petition within thirty days thereafter for a hearing in the matter in the district court, circuit court or court of like jurisdiction in the county wherein such person resides, or in the case of cancellation, suspension or revocation of a nonresident's operating privilege in the county in which the main office of the director of public safety is located, and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon thirty days' written notice to the director of public safety, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancellation or revocation of license under the provisions of this section.

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Parsons	
Bailey	Gulledge	Little	Robertson	
Barron	Hall	Martin	Smith	
Britnell	Harrison	McDonald	Taylor	
deGraffenried	Higginbotham	Miller	Vacca	
Denton	Holmes	Mitchem		—22

*Nays:* —0

Mr. Cook offered the following amendment to the Bill, S. B. 385, as amended, to-wit:

#### AMENDMENT TO S. B. 385, AS AMENDED

Amend Senate Bill No. 385, as amended, on all pages and lines, by striking out the words "drug" or "drugs" wherever they appear in the bill and insert in lieu thereof the word "controlled substances"

Which as adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Proctor	
Barron	Hall	Martin	Robertson	
Britnell	Harrison	McDonald	Smith	
Cook	Higginbotham	Miller	Taylor	
deGraffenried	Holmes	Mitchem	Vacca	
Goodwin	Lemaster	Parsons		—22

*Nays:* —0

And the Bill, S. B. 385, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Parsons	
Bailey	Harrison	Little	Smith	
Barron	Higginbotham	Martin	Taylor	
Cook	Holmes	McDonald	Vacca	
Goodwin	Kirkland	Mitchem		—18

*Nays:* —0

The Bill:

S. 268. To provide that only those qualified electors residing in the jurisdiction of a county school system may vote for members of the county board of education or superintendent of education.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, S. B. 268, to-wit:

COMMITTEE AMENDMENT TO S. B. 268

Amend S. B. 268 by deleting lines 30 and 31 and substituting the following language in its place. "This act in no way affects superintendents or board of education members who are appointed."

On motion of Mr. Hilliard, further consideration of the Bill, S. B. 268, and pending amendment, was postponed temporarily.

The Bill:

H. 47. Relating further to health and accident insurance policies issued within this state; to provide further for the consideration of claims by the company issuing said policies and to provide that the insurance company shall pay interest on the unpaid amount of any such claims after a certain period of time from receipt of proof of loss.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Parsons	
Bailey	Goodwin	Little	Pearson	
Barron	Harrison	Martin	Smith	
Cook	Hilliard	Miller	Taylor	
Denton	Holmes	Mitchem		—18

Nays: —0

The Bill:

H. 657. To amend Section 34-9-7, Section 34-9-9, Section 34-9-18, Section 34-9-19, Section 34-9-20, Section 34-9-42 and Section 34-9-43, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Mitchem	
Bailey	Gulledge	Little	Parsons	
Barron	Harrison	Martin	Robertson	
Cook	Higginbotham	McDonald	Smith	
Denton	Holmes	Miller	Taylor	
Figures	Kirkland			—21

Nays: —0

## The Bill:

S. 120. To amend Act No. 80-658 of the 1980 Legislature of Alabama to authorize any banking corporation or trust company organized under the laws of this state to convert into and merge or consolidate with a national banking association without the approval of any state authority but with the consent of the holders of a majority in amount of its stock, to provide that stockholders' meetings for such purposes be called by resolution of the board of directors, to provide the procedure for notice or waiver of notice to stockholders of such meetings, to provide for the vesting in such national banking association of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such national banking association of all the rights, duties and obligations of such state banking corporation or trust company in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in respect to any executorship, trusteeship, administration of estate or other similar fiduciary relation, to provide that the rights of dissenting shareholders be governed by the applicable laws of Congress, to entitle dissenting shareholders to receive in cash the value of their shares in the state bank, to provide that any bank, whether a national or a state bank, surviving or resulting from a merger, conversion or consolidation (defined as a "reorganization") may, regardless of the county of location of the principal office of such bank, continue to maintain and operate all banking offices maintained and operated at the time of said reorganization and with appropriate regulatory approval, thereafter establish and operate additional banking offices in counties where banking offices are maintained at the time of the reorganization to the same extent that the bank which was a party to said reorganization could, under laws in effect at the time of the proposed establishment, have established additional banking offices had it not participated in such reorganization, to provide that this Act shall not be deemed to confer upon a bank resulting from or surviving a reorganization the right to establish additional banking offices which could not have been established by a bank which was a party thereto had such reorganization not occurred, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

was taken up.

The Standing Committee on Banking and Insurance reported the following substitute for the Bill, S. B. 120, to-wit:

## COMMITTEE SUBSTITUTE FOR S. B. 120

A BILL  
TO BE ENTITLED  
AN ACT

To amend Act No. 80-658 of the 1980 Legislature of Alabama, Sections 5-7A-40 through 5-7A-43, Code of Alabama 1975, to authorize any banking corporation organized under the laws of this state to reorganize with a national banking association, to define the circumstances under which such a reorganization may take place, to state the procedures necessary to accomplish such reorganization, to prescribe the rights and duties of parties to such reorganization to provide that this Act shall not be deemed to confer upon a resulting bank the right to establish additional branch banking offices which could not have been established by a bank which is a party thereto had such reorganization not occurred, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 80-658 of the 1980 Legislature of Alabama, Sections 5-7A-40 through 5-7A-43, Code of Alabama 1975, are hereby amended to read as follows:

"§ 5-7A-40. Any state bank may, with the consent of the holders of a majority in amount of its stock obtained at a meeting of the stockholders shareholders called therefor, be converted or merged into or consolidate with a national bank, in such manner as may, at the time of such conversion, merger or consolidation, be prescribed by the laws of the United States, and the stock of such state bank may be exchanged for stock in such national bank upon such terms as the consenting stockholders shareholders may, at the meeting at which the conversion, merger or consolidation is authorized, determine or upon such terms as the holders of a majority of the stock of such state bank may, at any other meeting called for such purpose, determine. All proceedings relating to such a conversion, merger or consolidation shall be conducted in accordance with the requirements of the Alabama Business Corporation Act, except that if any provision thereof shall conflict with or be more restrictive than the requirements set forth at 12 U.S.C. § 214a then the procedures set forth in such § 214a shall govern."

"§ 5-7A-41. All meetings of stockholders shareholders, called for any of the purposes provided for in § 5-7A-40, shall be called by resolution of the board of directors. Notice of such meeting and of the purposes thereof shall be published once a week for 30 days four consecutive weeks prior to the date of such meeting in some newspaper published with a general circulation in the city, town or village in which the principal place of business of said state bank is located, but if no daily or weekly newspaper is published in such place, then the publication shall be made in a newspaper published nearest thereto; provided, that newspaper publication may be dispensed with entirely if waived by all the shareholders, and in the case of a merger of consolidation, one publication at least ten days before the meeting shall be sufficient if publication for four weeks is waived by holders of at least two-thirds of each class of capital stock. The state bank shall send such notice to each shareholder of record by registered mail or by certified mail at least ten days prior to the meeting, which notice may be waived specifically by any shareholder."

"§ 5-7A-42. At the time when such conversion of or consolidation or merger by the state bank with a national bank, under the charter of the latter, becomes effective, all the property of the state bank including all its rights, title and interest in and to all property of whatsoever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value or benefit then existing, belonging or appertaining to it or which would inure to it, shall immediately, by act of law and without any conveyance or transfer and without any further act or deed, be vested in and become the property of the national bank, which shall have, hold and enjoy the same in its own right as fully and to the same extent as if the same were possessed, held and enjoyed by the state bank."

"§ 5-7A-43. Upon such conversion, merger or consolidation becoming effective, the national bank shall be deemed to be a continuation of the entity and of the identity of the state bank and all the rights, obligations and relations of the state bank to or in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in, or in respect to, any executorship or trusteeship or other trust or fiduciary function shall remain unpaired. The national bank, as of the time of the taking effect of such



change conversion, merger or consolidation shall succeed to all such rights, obligations, relations and trusts and the duties and liabilities connected therewith and shall execute and perform each and every such trust or relation in the same manner as if the national bank had itself assumed the trust or relation, including the obligations and liabilities connected therewith. If the state bank is acting as administrator, co-administrator, executor, co-executor, trustee or co-trustee of or in respect to any estate or trust being administered under the laws of this state, such relation, as well as any other or similar fiduciary relations, and all rights, privileges, duties and obligations connected therewith shall remain unimpaired and shall continue into and in said national bank from and as of the time of the taking effect of such conversion, merger or consolidation, irrespective of the date when any such relation may have been created or established and irrespective of the date of any trust agreement relating thereto or the date of the death of any testator or decedent whose estate is being so administered. Nothing done in connection with the conversion to or merger or consolidation of a state bank with a national bank, shall, in respect to any such executorship, trusteeship or similar fiduciary relation, be deemed to be or to effect, under the laws of this state, a renunciation or revocation of any letters of administration or letters testamentary pertaining to such relation, nor a removal or resignation from any such executorship or trusteeship or other fiduciary relationship, nor shall the same be deemed to be of the same effect as if the executor or trustee or other fiduciary had died or otherwise become incompetent to act."

Section 2. The rights of shareholders of a national bank dissenting from the conversion, merger or consolidation of the bank shall be governed exclusively by the applicable laws of Congress. A shareholder of a state bank who votes against the conversion, merger or consolidation of that state bank with or to a national bank, or who has given notice in writing to the bank at or prior to such meeting that he dissents from the conversion, merger or consolidation shall be entitled to receive in cash the value of the shares held by him, if and when the conversion, merger or consolidation is consummated, upon written request made to the resulting national bank at any time before 30 days after the date of consummation of such conversion, merge or consolidation, accompanied by the surrender of his stock certificates. The value of such shares shall be determined as of the date on which the shareholders meeting was held authorizing the conversion, merger or consolidation by a committee of three (3) persons, one to be selected by unanimous vote of the dissenting shareholders entitled to receive the value of their shares, one by the directors of the resulting national bank and the third by the two so chosen. The valuation agreed upon by any two of three appraisers thus chosen shall govern; but, if the value so fixed shall not be satisfactory to any dissenting shareholder who has requested payment as provided herein, such shareholder may within five days after being notified of the appraised value of his shares appeal to the superintendent, who shall cause a reappraisal to be made, which shall be final and binding as to the value of the shares of the appellant. If, within 90 days from the date of consummation of the conversion, merger or consolidation, for any reason one or more of the appraisers is not selected as herein provided, or the appraisers fail to determine the value of such shares, the superintendent shall upon written request of any interested party, cause an appraisal to be made, which shall be final and binding on all parties. The expenses of the superintendent in making the reappraisal, or the appraisal as the case may be, shall be paid by the resulting national bank. The plan of conversion, merger or consolidation, shall provide the manner of disposing of the shares of the resulting national bank not taken by the dissenting shareholders of the state bank.

Section 3. (a) Any resulting bank, whether a national bank or a state bank, may, regardless of the county of location of the principal office of such bank at the time of or subsequent to a reorganization:

(1) Continue to maintain and operate all banking offices maintained and operated at the time of such reorganization by any bank a party thereto; and

(2) Subject to the limitations set out in subsection (b) of this Section, and with the approval of the appropriate bank regulatory authority, thereafter establish and operate additional banking offices in any county in this state in which a banking office is maintained by a party to such reorganization at the time thereof.

This Act shall not be deemed to confer upon a resulting bank the right to establish any additional banking offices which could not have been established by a bank which was a party thereto, had such reorganization not occurred.

(b) Commencing with the effective date of a reorganization no resulting bank shall:

(1) For a period of two years from such effective date establish any branch banking offices in any county where a bank which became a reorganized bank in that particular reorganization maintained an office prior to the reorganization; and

(2) From the second anniversary of the effective date of such reorganization and running through the fifth anniversary thereof, establish more than one branch banking office per year in each such county where said reorganized bank maintained a banking office on the effective date thereof, after which the number of additional branch banking offices which may be established by the resulting bank shall not be limited by this subsection (b).

(c) The provisions of subsection (b) of this Section shall not restrict the opening of additional branch banking offices in the county wherein is located the principal office of the resulting bank.

(d) No bank (other than a bank organized solely to facilitate the acquisition of another bank) shall reorganize with another bank in this state for a period of five years from the effective date of the opening of such bank. No de novo bank shall reorganize with any other bank owned by a bank holding company within three years from the effective date of the reorganization of any other de novo bank of such bank holding company with any other bank owned by such holding company.

Section 4. Definitions. As used in Section 3 of this Act, the following terms have the following respective meanings:

(a) "Reorganization" shall mean a merger or consolidation;

(b) "Reorganized bank" shall mean that bank, a party to the reorganization, which is designated the "reorganized bank" for the purposes of this Act in a writing delivered by the resulting bank to the superintendent. The term shall not include any resulting bank.

(c) "Resulting bank" shall mean the bank resulting from or surviving a reorganization or, that bank designated the "resulting bank" for the purposes of this Act in a writing delivered by the resulting bank to the superintendent.

(d) "De novo bank" shall mean a bank the initial charter of which is approved after the effective date of this Act, more than 25% of the voting stock of which is owned upon organization by a bank holding company and which is not organized to facilitate the acquisition of another bank.

Section 5. Except to the extent necessary to give effect to Section 3(a) of this Act, no general or local law or general law of local application shall be deemed to have been modified or repealed by this Act, and nothing contained herein shall be deemed in any way to change or repeal the provisions of Sections 5-2-9 or 5-5-20 of Act No. 80-658 of the 1980 Legislature of Alabama.

Section 6. The provisions of this Act are severable. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue effective.

Section 7. This Act shall be effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Mr. Proctor, further consideration of the Bill, S. B. 120, and pending substitute, was postponed temporarily.

The Bill:

S. 41. To amend Sections 12-17-140, 12-17-142, 12-17-143 and 12-17-147, Code of Alabama 1975, which relates to the supernumerary fund of clerks and registers of the circuit court, so as to: Require that the salary of each super-numerary clerk or register be paid on a bi-weekly basis; to place the clerks' and registers' supernumerary fund under the management and control of the employees' retirement system of Alabama; to provide that the secretary-treasurer of the employees' retirement system of Alabama shall invest such fund; to provide for refunds of contributions and accrued interest.

was taken up.

On motion of Mr. Denton, further consideration of the Bill, S. B. 41, was postponed temporarily.

The Bill:

H. 82. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1980 session of the Legislature, with the exception of the Alabama Business Corporation Act (Act No. 80-633, H. 81, 1980 Regular Session), as contained in the 1980 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

was taken up.

On motion of Mr. Martin, further consideration of the Bill, H. B. 82, was postponed temporarily.

The Bill:

S. 526. To amend sections 34-31-1, 34-31-3, 34-31-5, 34-31-7, 34-31-8, 34-31-9, 34-31-12, 34-31-15, and 34-31-16 of the 1978 supplement to the 1975 Code of Alabama so as to: (1) Clarify the definition of Regulated Contractor; (2) Exclude Professional Engineers, Professional Architects and certain Registered Contractors from this regulation; (3) Regulate roofing contractors involved in commercial roofing only; (4) Make the language of the Chapter

consistent throughout; (5) Change the renewal date for Certification; (6) Change the number of required board meetings from monthly to bi-monthly; (7) Define a license and permit bond; (8) Allow for travel expense for board members.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 526, to-wit:

COMMITTEE AMENDMENT TO S. B. 526

Amend S. B. 526 by the deletion of the word "roofing" on Line 24, Page 2, and the word "only;" on Line 25, Page 2 and by substituting the following therefor:

"and commercial roofing and related sheet metal materials;"

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	Proctor	
Bailey	Holmes	McDonald	Robertson	
Barron	Kirkland	Miller	Smith	
Denton	Lemaster	Parsons	Taylor	
Goodwin	Little	Pearson		—18

*Nays:* —0

Mr. Smith offered the following amendment to the Bill, S. B. 526, as amended, to-wit:

AMENDMENT TO S. B. 526, AS AMENDED

Amend Senate Bill 526, as amended, as follows:

Amend page 2, line 16, by striking "service or repair"; further amend page 2, line 18, by striking "or repair"; further amend page 2, line 19, by striking "or repair"; further amend page 2, by adding the following language after "practices" on line 27, "That nothing in this chapter shall apply to any individual, partnership or corporation for hire that engages solely in the repair of heating and air conditioning systems, repair of roofing, or repair of sheet metal systems."; further amend page 3, lines 35 and 36, by adding the word "or" at the end of the line following the word "design" and striking the words "service or repair work".

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Miller	
Bailey	Gulledge	Lemaster	Parsons	
Barron	Higginbotham	Little	Pearson	
Denton	Hilliard	Martin	Taylor	
Figures	Holmes	McDonald		—18

*Nays:* —0

Mr. Smith then offered the following amendment to the Bill, S. B. 526, as amended, to-wit:

### AMENDMENT TO S. B. 526, AS AMENDED

Amend Senate Bill 526, Page 2, Section 1, at the end of line 27 by changing the period to a comma and adding the following:

or a graduate of an accredited technical school.

Amend S. B. 526 on page 1, line 41 by striking the following: (8) Allow for travel expense for board members.

Further amend S. B. 526 on page 3, line 23 after the words "entitled to" by inserting mileage

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Parsons
Bailey	Gulledge	Little	Pearson
Barron	Higginbotham	Martin	Robertson
deGraffenried	Holmes	McDonald	Smith
Denton	Kirkland	Miller	Taylor

—19

*Nays:*

—0

And said Bill, S. B. 526, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Gulledge	Little	Robertson
Barron	Harrison	Martin	Smith
deGraffenried	Holmes	Miller	Taylor
Denton	Kirkland	Parsons	

—18

*Nays:*

—0

The Bill:

S. 294. To prevent a public hospital from granting extra compensation to any officer or employee of the hospital or any contractor from receiving extra compensation after a service has been rendered or a contract made and to prevent an increase or decrease of compensation of officers during a term of office; nor shall a public hospital have authority to lend its credit or grant public money or thing of value to any individual, association, corporation, official, or employee.

was taken up.

Mr. Lemaster offered the following amendment to the Bill, S. B. 294, to-wit:

AMENDMENT TO S. B. 294

Amend Senate Bill 294, Section 4, Page 2, Line 9, after the word "staff" by adding the following sentence: Nothing in Section three (3) of this act shall prohibit the guarantee of a reasonable income to any physician licensed to practice medicine for the purpose of performing the skills for which the person is trained.

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Parsons
Bailey	Harrison	Little	Proctor
Cook	Higginbotham	Martin	Robertson
deGraffenried	Holmes	McDonald	Smith
Denton	Kirkland	Miller	Taylor
Goodwin			

—20

*Nays:* —0

On motion of Mr. Cook, further consideration of the Bill, S. B. 294, and pending amendment, was postponed temporarily.

The Bill:

H. 742. To provide labeling requirements and marketing procedures for products containing honey; and to provide penalties for violation.

was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Denton	Holmes	Miller
Bailey	Goodwin	Kirkland	Parsons
Barron	Gulledge	Little	Smith
Cook	Harrison	Martin	Taylor
deGraffenried	Higginbotham	McDonald	

—18

*Nays:* 0

On motion of Mr. Goodwin, further consideration of the Bill, S. B. 486, was indefinitely postponed.

The Bill:

S. 34. To provide that any person, who is a retired teacher and retired under the provisions of the Teachers' Retirement System of Alabama, and who subsequent to said retirement becomes the Acting President of the University of Alabama, may elect to resume his participation in the Teachers' Retirement System of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Parsons	
Bailey	Gulledge	Lemaster	Proctor	
Barron	Harrison	Little	Smith	
deGraffenried	Higgingotham	Martin	Taylor	
Denton	Holmes	Miller		—18

*Nays:* —0

The Bill:

S. 539. To provide that all entities engaged in the sale of petroleum products file a specified declaration with the commissioner of revenue; to provide that no producer or refiner of petroleum products shall open or operate a retail service station after certain specified dates with reasonable exceptions to the specified dates as allowed by the department of revenue; to provide that if discounts are offered, they must be offered on a nondiscriminatory basis.

was taken up.

On motion of Mr. Goodwin, further consideration of the Bill, S. B. 539, was postponed temporarily.

The Bill:

S. 289. To require municipal corporations or any subdivision of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the course of their employment, and to authorize the obtaining of liability insurance to cover such employees.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 289, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 289

Amend Senate Bill 289, page 1, Line 37, by striking out after the word "duties" the semi-colon (;) and the word "and"

On motion of Mr. Smith, further consideration of the Bill, S. B. 289, and pending amendment was postponed temporarily.

The Bill:

S. 240. To amend Section 5-5A-19, Code of Alabama 1975, which relates to the amount of reserve that a bank which is not a member of the Federal Reserve System is required to maintain and to repeal the provisions fixing minimum and maximum amount of required reserves.

was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, S. B. 240, to-wit:

COMMITTEE AMENDMENT TO S. B. 240

Amend Senate Bill 240, on Page 1, Line 32, by striking out the period after the word "board" and adding the following:

"; provided however that such reserve fund shall in no event be lower than the percentage required of federal reserve system banks".

On motion of Mr. Barron, said amendment was laid on the table.

On motion of Mr. Cook, further consideration of the Bill, S. B. 240, was postponed temporarily.

ADJOURNMENT

At 6:50 P. M., on motion of Mr. Proctor, the Senate adjourned until Tuesday, April 28, 1981, at 2 o'clock P. M.



# TWENTY-FOURTH LEGISLATIVE DAY

TUESDAY, APRIL 28, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding

## PRAYER

The Session was opened with prayer by Mr. Rick Andres, Minister, Druid Hills Church of Christ, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Lemaster	St. John
Bailey	Goodwin	Little	Smith
Barron	Gulledge	Martin	Taylor
Britnell	Hall	McDonald	Teague
Callahan	Harrison	Parsons	Vacca
Cook	Higginbotham	Pearson	Weeks
deGraffenried	Hilliard	Proctor	White
Denton	Holmes	Robertson	
Figures	Keener		

—32

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Third Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Kirkland, Miller and Mitchem for today.

## POINT OF PERSONAL PRIVILEGE

Mr. McDonald stated, at Mr. Mitchem's request, that Mr. Mitchem's absence today and tomorrow is due to a death in his immediate family.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 80-203, the preliminary report of the Joint Interim Committee to Study Utilization and Value of Land Owned by the Department of Mental Health was read and ordered filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 108. CITING WILLIE JONES OF EUFAULA, ALABAMA, FOR EXTRAORDINARY BRAVERY.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Dixon, Turnham, Manley, Holmes, Albright, Barton, Bowling, Brakefield, Cates, Cheatwood, Cosby, Daniels, Edwards, McCorquodale, Gilmer, Hall, Harvey, Howard, Lewis, McKee, McMillan, Mitchell, Olive, Parker, Payne, Penry, Rains, Riddick, Shavers, Smith (C), Waggoner and Warren:

H. J. R. 308. DESIGNATING APRIL 26, 1981, AS VIETNAM VETERANS RECOGNITION DAY.

WHEREAS, The Congress of the United States has passed Joint Resolution 182; and

WHEREAS, this resolution designates April 26, 1981, as Vietnam Veterans Recognition Day; and

WHEREAS, the American Legion of Alabama joins in urging all veterans groups to observe this day in honor of Vietnam Veterans; and

WHEREAS, Alabamians have always shown their patriotism by supporting our nation's veterans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That April 26, 1981, be designated "Vietnam Veterans Recognition Day" in Alabama.

BE IT FURTHER RESOLVED, That all citizens join in recognizing the sacrifices made by these veterans through their service to their country.

RESOLVED FURTHER, That copies of this resolution be sent to Mr. S. Rex Luna with the American Legion in Huntsville and Mr. James V. Merlini to show our gratitude and deep appreciation for their service to the nation and to Alabama

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 308, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Holmes, Langford, Wyatt and McKee:

H. J. R. 310. NAMING THE ADMINISTRATIVE BUILDING AT THE COUNCILL TRENHOLM STATE TECHNICAL COLLEGE, "LUCIOUS W. SMILEY HALL."

WHEREAS, Montgomery County native Lucious Wesley Smiley received his high school education at Alabama State University Laboratory High School and is a graduate of Alabama State University with a B. S. Degree in Science and Mathematics; he earned a Master's Degree in Education from Pennsylvania State University; and

WHEREAS, Mr. Smiley studied additionally on the post graduate level earning credits at Pennsylvania State University in Administration, Supervision and Technical Education, and also attended several army service schools including Officers' Candidate School in the Corps of Engineers at Fort Belvoir, Virginia; and

WHEREAS, During World War II, Mr. Smiley distinguished himself in service in the Pacific Theatre and was discharged as a Major, Corps of Engineers; he also served his country during the Korean Conflict and was discharged as a Lieutenant Colonel; and

WHEREAS, during his professional career, Mr. Smiley was a teacher of Science and Mathematics at Academy Street High School in Troy, Veterans Coordinator in Montgomery, Diversified Occupations Coordinator at Carver High School in Montgomery, Itinerant Teacher Trainer in Trade and Industrial Education at Alabama A&M University, and for eight years was Assistant State Supervisor of Trade and Industrial Education with the State Department of Education in Montgomery; and

WHEREAS, Mr. Smiley's numerous awards and honors include Life Membership in the American Vocational Association, presented by the Alabama Vocational Trade and Industrial Teachers Association, and a plaque for Outstanding Service by the Trade and Industrial Clubs of Alabama; and

WHEREAS, he was largely responsible for the planning and development of the H. Councill Trenholm State Vocational Technical School and was appointed in 1965 as the director of said institution; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude for Mr. Smiley's long years of service in the field of education, most particularly in the Trade, Industrial and Vocational areas, we hereby name and designate the Administrative Building at the H. Councill Trenholm State Vocational Technical School in Montgomery, Alabama, as "Lucious W. Smiley Hall."

BE IT FURTHER RESOLVED, That appropriate signs and markers shall be erected and maintained so designating said building as "Lucious W. Smiley Hall" and that a copy of this resolution shall be provided for appropriate display, evidencing this body's posthumous recognition of Lucious Wesley Smiley as one of our state's most prominent educators.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 310, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Wyatt, Warren and McKee:

H. J. R. 307. COMMENDING MR. FRANK J. SEGO, PROMINENT MONTGOMERY CIVIC LEADER AND MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL EXCHANGE CLUB.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 307, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Kennedy, Parker, Sandusky, Clark (W), Turner, Bedsole and Stewart:

H. J. R. 274. COMMENDING THE EFFORTS OF MARCH AGAINST CRIME IN ITS CRUSADE FOR SAFETY ON BEHALF OF THE CITIZENS OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 274, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bedsole, Sandusky, Stout, McMillian, Penry, Harper (T), Clark (W), Stewart and Kennedy:

H. J. R. 312. INVITING MR. JIMMY BUFFETT TO APPEAR IN PERFORMANCE BEFORE THE ALABAMA LEGISLATURE.

WHEREAS, Mr. Jimmy Buffett grew up in Mobile, Alabama, graduated from McGill High School of that city and also attended Auburn University; and

WHEREAS, Jimmy Buffett is now a composer and recording artist of international fame whose songs, such as "Come Monday," "Margaritaville," and "Cheesburger in Paradise," have sky-rocketed to the top of the charts; and

WHEREAS, as Alabama's gift to the entertainment world, Jimmy Buffett, as a gift to his home state, recently recorded and released "Stars Fell on Alabama" with the result that yesteryear's classic is now one of this year's biggest hits; and

WHEREAS, even as the first release of "Stars Fell on Alabama" brought fame to our state, Jimmy Buffett has once again turned the spotlight of the world on the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we would indeed be most highly honored if Mr. Jimmy Buffett would consent to appear, in performance, at his earliest convenience, before a joint session of the Alabama Legislature.

BE IT FURTHER RESOLVED, That Mr. Buffett be advised, by copy of this resolution, of our cordial invitation and that we eagerly anticipate his acceptance.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 312, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Stewart, Bedsole, Harper (T), Kennedy, Parker, Zoghby, McMillan, Penry, Manley, Sandusky, Warren, Cates and Buskey:

H. J. R. 302. RECOGNIZING THE IMPORTANCE OF THE PORT OF MOBILE CUSTOMS OFFICE TO THE ECONOMIC HEALTH OF THE ALABAMA ECONOMY AND URGING THAT THIS GREAT SERVICE PROVIDED BY THE MOBILE CUSTOMS OFFICE BE CONTINUED AND NOT BE INCLUDED IN THE CUTS PLANNED BY THE PRESIDENT AND CONGRESS.

WHEREAS, the Port of Mobile is currently ranked ninth among the ports of the United States, and after the completion of the Tenn-Tom Waterway, the Port of Mobile will move to rival New Orleans for the Number One spot on the Gulf Coast; and

WHEREAS, the closing of the Mobile Customs Office will handicap the Port of Mobile as well as all of the Tenn-Tom Waterway because of this lost capability; and

WHEREAS, the Port of Mobile is the only port where the Customs Office has been considered for closing that will be the Gateway Port for a whole new waterway system, the Tenn-Tom Waterway which is scheduled for completion in 1986; and

WHEREAS, the opening of this new waterway is predicted to bring an additional 16.4 million tons of cargo into the Port of Mobile when it is opened; and

WHEREAS, the Port of Mobile is going to be on a new waterway involving 16,000 miles of inland navigable waters; and

WHEREAS, the Alabama State Docks is investing \$100 million into improvements to its facilities in order to handle the additional cargo which will come to the Port of Mobile as a result of the Tenn-Tom Waterway; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the President and Congress are hereby earnestly requested to take into consideration all of the many factors involved, to reconsider any planned closing of the Customs Office of the Port of Mobile and to allow this very important agency to continue to carry on its vital function for the people of Alabama and the United States.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 302, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 309. DESIGNATING H. B. 223 AS "THE CLARK-PARSONS CONSUMER PROTECTION LAW."

WHEREAS, State Representative George Clark and State Senator Mac Parsons have for years fought hard to bring about increased local support for consumer protection; and

WHEREAS, they have brought to the attention of both the legislative and executive branches of government the lack of regulatory laws in the area of protection of the consumer; and

WHEREAS, Alabama was the last state in the nation to pass a law on the aforementioned subject; and

WHEREAS, Representative Clark and Senator Parsons successfully passed H. B. 223 during the 1981 Regular Session, which regulates the area of consumer protection; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That H. B. 223 is hereby designated as "The Clark-Parsons Consumer Protection Law."

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Representative Clark and Senator Parsons with our deep appreciation for a job well done.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Keener, the Rules were suspended and the Resolution, H. J. R. 309, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Foreign Trade Relations Commission.

Respectfully submitted,  
BOB A DAVIS,  
State Administrations Officer.

Done this 28th day of April, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. James E. Brady, Jr.  
(Replaced Charlotte D. Blackmon)  
Rt. 2  
Marion, AL 36756  
Term expiring August 23, 1982

Mr. David Turner  
(Replaced Charles R. Mayton, Jr.)  
Hickory Mill, Inc.  
West Jackson  
Demopolis, AL 36732

as members of the Foreign Trade Relations Commission.

Respectfully,  
FOB JAMES,  
Governor.

Done this 28th day of April, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointments to the Foreign Trade and Relations Commission, was read and referred to the Standing Committee on Rules.

LOCAL BILLS  
ON THIRD READING

The Bill:

H. 809. To authorize the city of Tuscumbia to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith
Bailey	Hall	McDonald	Taylor
Britnell	Harrison	Parsons	Teague
Cook	Hilliard	Pearson	Vacca
Denton	Holmes	Proctor	Weeks
Glass	Keener	St. John	White
Goodwin	Little		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 47. Relating further to health and accident insurance policies issued within this state; to provide further for the consideration of claims by the company issuing said policies and to provide that the insurance company shall pay interest on the unpaid amount of any such claims after a certain period of time from receipt of proof of loss.

Also:

H. 383. To amend Section 40-9-19 of the Code of Alabama 1975, as amended by Act 80-731 of the 1980 Regular Session of the Alabama Legislature relating to homestead exemptions for ad valorem tax purposes for persons 65 years of age or older and disabled or blind so as to prescribe further the amount of exemption.



Also:

H. 657. To amend Section 34-9-7, Section 34-9-9, Section 34-9-18, Section 34-9-19, Section 34-9-20, Section 34-9-42 and Section 34-9-43, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

Also:

H. 742. To provide labeling requirements and marketing procedures for products containing honey; and to provide penalties for violation.

Also:

H. J. R. 289. RECOGNIZING MR. J. E. BEARDEN FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 293. DECLARING THE WEEK OF MAY 31-JUNE 6, 1981, ALABAMA POULTRY WEEK.

Also:

H. J. R. 296. COMMENDING MR. TOMMY GOFF ON HIS 25 YEARS OF SERVICE AS THE DIRECTOR OF MUSIC AT AUBURN HIGH SCHOOL.

Also:

H. J. R. 299. EXPRESSING GRATITUDE TO MR. ROY CLARK FOR HIS DEDICATION TO THE CAUSE OF THE ALABAMA SPECIAL OLYMPICS.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 261. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 17. Relating to Etowah County; to amend Section 1 of Act No. 302, H. 1043, Regular Session 1977 (Acts 1977, p. 403), relating to branch banks, so as to provide further for such banks.

Also:

S. 504. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Banks, in Pike County.

Also:

S. 571. Relating to Madison County; to amend Section 1 of Act No. 120, H. 599, Regular Session of 1973 (Acts 1973, p. 153), so as to provide further for expense allowances of certain county officers.

Also:

S. 569. Providing for purging the lists of registered voters in Wilcox County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars and the county governing body relative to the reidentification of registered voters.

Also:

S. 292. To amend Section 27-15-11, Code of Alabama, 1975, which relates to the reinstatement of lapsed life insurance policies, so as to make the maximum interest rate on amounts of overdue premiums and other indebtedness to the insurer, payable upon reinstatement, the same as the interest rate on policy loans as specified in the policy in accordance with Section 27-15-8, Code of Alabama, 1975.

ALBERT McDONALD,  
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the rules of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 737. To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide

that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by majority vote of members attending a meeting called to consider conversion.

was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Figures	Holmes	Parsons	
Bailey	Goodwin	Keener	Pearson	
Callahan	Hall	Little	Proctor	
Cook	Higginbotham	Martin	Robertson	
deGraffenried	Hilliard	McDonald	Taylor	
Denton				—20

*Nays:*

—0

### REPORTS OF COMMITTEES

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Kelley:

H. 547. To amend Section 25-4-75, Code of Alabama 1975, as last amended, to comply with the requirement of federal law as contained in Public Law 96-499 relating to benefits under the extended benefit program so as to provide for a limit to the first 2 weeks of benefits paid on an interstate claim filed in an agent state where no extended benefit period is in effect; to provide restrictions on eligibility for such benefits to individuals who fail to accept any offer of suitable work and to define "suitable work", actively engage in systematic and sustained effort to find work and to furnish tangible evidence of such efforts; to provide penalties for violations thereof; and to meet the requirements that these provisions become effective for weeks of unemployment commencing after March 31, 1981.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McDonald, Harrison, Britnell, Holmes, Hall, Robertson, Lemaster and Bailey (With Substitute):

S. 353. To provide further for public school curriculum at the elementary and secondary level; to provide for the balanced treatment of the theory of scientific creationism and evolution; to provide for definitions; to provide for the state department and superintendent of education to implement this act; to provide that the presentation of creation related theories with scientific findings shall not be prohibited; and to prescribe an effective date.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 641. To amend Section 34-23-90 of the Code of Alabama 1975, to provide on the Alabama State Board of Pharmacy representation of hospital pharmacists by changing the method of making nominations from which appointments are made to the Board.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (with notice and proof):

S. 596. Relating to taxation in Cullman County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1 through 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and repealing a sales tax heretofore levied and collected by the City of Cullman.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham (with notice and proof) (With Amendments):

S. 609. To alter, rearrange and extend the boundary line and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (with notice and proof):

S. 636. Relating to Marshall County, to amend Act 197, H. 439, Regular Session 1975, (Acts 1975, p. 682), so as to provide that the board of education may set the superintendent of education expense allowance; to repeal certain acts in conflict.

By Mr. Martin (with notice and proof):

S. 640. To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

By Rep. Harvey (with notice and proof):

H. 574. Relating to Blount County; providing an expense allowance for certain county officers and providing an effective date.

By Rep. Blake (with notice and proof):

H. 711. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Steele in St. Clair County.

By Reps. Smith (J) and Carter (with notice and proof):

H. 857. Relating to Limestone County; providing expense allowances and compensation for certain county officials.

By Rep. Harvey (with notice and proof):

H. 894. Relating to Blount County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

By Rep. Harper (O) (with notice and proof):

H. 906. Relating to Tallapoosa County; providing for an additional allowance for election officials who work at polling places.

By Reps. Pegues (with notice and proof):

H. 957. Relating to Perry County; to amend further Section 1 of Act No. 348, H. 868, Regular Session 1969 (Acts 1969, p. 720), relating to a clerk hire allowance and expense of the tax assessor and tax collector, so as to provide for an additional clerk for the tax assessor.

By Reps. Grouby and Edwards (with notice and proof):

H. 970. Relating to Lowndes County; fixing the fee for issuance of a pistol permit fee by the sheriff; providing for the distribution and use of such fees; and to repeal Act No. 119, H. 108 (Acts of Alabama 1969, p. 190), Regular Session 1969, as amended, and all other laws or parts of laws in conflict herewith.

By Rep. Laird (with notice and proof):

H. 971. Relating to Randolph County; providing further for an expense allowance for the county commission of said county.

By Rep. Laird (with Notice and proof):

H. 972. Relating to county health officers or administrators in Randolph County; authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

By Rep. Greer:

H. 979. To propose an amendment to the Constitution of Alabama of 1901 relating to Lauderdale County that would empower each local school tax district within the Lauderdale County school district in said county, when authorized at an election therein, to levy and collect a special district school tax not exceeding ten mills on the assessed valuation of the taxable property in such district for public school purposes in such district, and conferring upon the county board of education of said county the power under some circumstances and without an election to change the boundaries of any local school tax district in said county or consolidate any two or more local school tax districts therein.

The above Bill was read a second time at length as required by the Constitution.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey:

S. 277. To amend Section 27-2-31 of the Code of Alabama 1975 so as to extend the immunity from civil liability of the commissioner of insurance for negligent acts on his part in performing his required and discretionary duties.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hall (With Amendment):

S. 410. To amend Section 36-19-41 and Section 36-19-43, Code of Alabama 1975, as amended, so as to provide that the state fire marshal, law enforcement agencies, and insurance companies will make available to each other certain information regarding fire losses of real or personal property.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bailey:

S. 612. Relating to insurance; providing for a certain examination period for approval or return by the purchaser of individual life insurance policies and contracts issued for delivery in this state.

By Rep. Waggoner:

H. 166. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

By Rep. Cates:

H. 529. To amend Sections 5-2A-103 and 5-17-7, Code of Alabama 1975, which provide for the payment of operating expenses of the bureau of credit unions.

By Rep. Waggoner:

H. 810. Relating to privilege or license taxes on mortgages, deeds of trust, contracts of conditional sale or other instruments of like character received for record or for filing: To amend Section 40-22-2, Code of Alabama 1975, which provides for the payment of privilege or license taxes for recording or filing of mortgages, deeds of trust, contracts of conditional sale and other instruments of like character so as to provide an alternative procedure for the recording of instruments securing open end or revolving indebtedness with any interest in residential property, and to provide that such privilege or license taxes shall be based upon the maximum principal indebtedness to be secured by such instrument at any time as stated in such instrument or any amendment thereto, irrespective of the cumulative amount advanced from time to time thereunder.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan (with notice and proof):

S. 402. Relating to Mobile County, the Probate Judge shall not receive for record or permit the recording of any instrument, conveying title or any interest in real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan (with notice and proof) (With Substitute):

S. 403. To authorize the Tax Assessor of Mobile County to establish a certain salary schedule for all appointed positions in that office.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Figures (with notice and proof):

S. 565. To provide for the termination of all expense allowances heretofore provided by law for the members of the Mobile County Commission; to provide that such members shall purchase gasoline at their own expense and to specifically repeal the portions of Act No. 80-330, H. 409 of the 1980 Regular Session of the Legislature and Act No. 715, H. 1136 of the 1977 Regular Session of the Legislature which provide such allowances and all other laws in conflict herewith.

By Mr. Callahan (with notice and proof):

S. 628. To propose an amendment to the Constitution of Alabama with respect to the filling of vacancies in the office of judge of the circuit court and the office of judge of the district court of Mobile County.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Bedsole (with notice and proof):

H. 14. To amend Section 2 of Act No. 929, H. 1365, 1961 Regular Session (Acts 1961, p. 1487), relating to the Mobile Tree Commission.

By Rep. Sandusky (with notice and proof):

H. 627. To provide for fees, to set fees, to establish the method of collection, and to provide for the disbursement of fees for the Sheriff of Mobile County, Alabama.

By Rep. Sandusky (with notice and proof):

H. 628. To establish a Sheriff's filing fee on all civil and criminal cases filed in Mobile County, Alabama, and to provide for the collection and disbursement of said fee.

By Rep. Kennedy (with notice and proof):

H. 629. To provide for supplementing the salaries or compensation paid to certain semiretired or retired district judges in the 13th Judicial Circuit.

By Rep. Harper (T)(with notice and proof):

H. 677. Relating to Mobile County; providing for the registration, licensing and regulation of buyers of gold and silver.

By Reps. Buskey, Stewart, Kennedy, Turner and Clark (W) (with notice and proof):

H. 679. Relating to Mobile County; to provide further for the compensation of election employees and officers.

By Rep. Harper (T) (with notice and proof):

H. 825. Relating to Mobile County; to authorize and empower the county commission to establish a solid waste management program in the unincorporated areas of Mobile County.

By Reps. Adams (C) and Whatley (with notice and proof):

H. 985. Relating to Phenix City; amending Section 3.11 of Act No. 71, H. 114, 1977 Regular Session (Acts 1977, p. 78), which provides for a council-manager form of government in certain municipalities based on a population classification, so as to provide for the filing of vacancies in the council of such municipality.

By Reps. Adams (C) and Whatley (with notice and proof):

H. 986. Relating to the city of Phenix City; to further provide for the qualifications to engage in the bail bond business for the release of persons held by the city of Phenix City.

By Reps. Whatley and Adams (C) (with notice and proof):

H. 987. Relating to Russell County; to provide that all monies hereafter accruing to Russell County which are dedicated to the construction, maintenance and repair of roads and bridges and traffic control shall be paid into the county road and bridge fund; to repeal Act No. 251, H. 701, Regular Session 1969 (Acts of 1969, p. 583), and Act No. 684, H. 1109, Regular Session 1971 (Acts of 1971, p. 1410), and any other laws which conflict herewith.

By Reps. Whatley and Adams (C) (with notice and proof):

H. 988. Relating to Russell County; to provide for an additional expense allowance for the members of the county board of registrars.

By Reps. Whatley and Adams (C) (with notice and proof):

H. 989. To amend and re-enact Act No. 403, H. 107, Regular Session 1975 (Acts of 1975, p. 1002), entitled, "An Act to provide for an increase in the compensation of the bailiffs of the circuit court of the 26th judicial circuit," so as to provide that the compensation provided in said Act shall be designated as an expense allowance.



By Reps. Whatley and Adams (C) (with notice and proof):

H. 990. Relating to Russell County; to provide an expense allowance for the county coroner; to repeal Act No. 306, H. 745, Regular Session 1971 (Acts 1971, p. 607) and Act No. 460, H. 1119, Regular Session 1975 (Acts 1975, p. 1087) and other conflicting acts.

By Reps. Whatley and Adams (C) (with notice and proof):

H. 991. Relating to Russell County; to authorize the county commission to hire a county license inspector; to prescribe the duties and compensation of such inspector and to repeal specifically Act No. 79-595 of the 1979 Regular Session of the Legislature and all other laws in conflict with this act.

By Reps. Whatley and Adams (C) (with notice and proof):

H. 992. Relating to Russell County; to amend Section 4 of Act No. 408, S. 689, Regular Session 1978 (Acts of 1978, p. 393), which relates to the method of compensating certain county officers in Russell County, and providing for a clerk hire allowance for each such office, so as to provide further for the hiring of clerks in said office.

By Reps. Whatley and Adams (C) (with notice and proof):

H. 993. To authorize the Russell County commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County except within the city limits of Phenix City and Hartsboro and two cents in the Phenix City and Hartsboro police jurisdictions; to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system and the county general fund; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; to provide for the use of the proceeds derived from the tax; and to repeal Act No. 80-487, H. 933, 1980 Regular Session (Acts 1980, p. 757, relating to a levy of a privilege or license tax for the sale of malt or brewed beverages to certain retailers in Russell County.

By Rep. Zoghby (with notice and proof):

H. 683. To provide a supplement to the salaries of circuit court bailiffs in the Thirteenth Judicial Circuit.

By Rep. Stewart (with notice and proof):

H. 690. To amend Section 1 of Act 80/342 of the 1980 Regular Session and to correctly designate a street name.

By Rep. Turner (with notice and proof):

H. 905. Relating to Mobile County; to prohibit the possession of certain firearms on parts of the Escatawpa River.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that the said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Langford (with notice and proof) (with substitute)

H. 911. To provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Montgomery County; to provide for permits or licenses, applications, forms and contents to operate bingo, to provide for special permits or licenses, to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Montgomery County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Montgomery County, no further referendum is needed.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Sandusky, Bedsole, Stewart and Harper (T) (with notice and proof):

H. 935. To amend Title 16, Section 39, Subsection 7 of the Code of Alabama, 1975, so as to require that twenty (20) percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be reallocated for the gifted child.

By Rep. Smith (J)(with notice and proof):

H. 902. To authorize a procedure whereby the Sheriff of Madison County, Alabama is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Madison County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Madison County, Alabama or by posting in a conspicuous place at the Madison County Courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Madison County, Alabama may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Madison County, Alabama.

By Rep. Riddick (with notice and proof):

H. 958. Relating to Madison County, Alabama; providing further for the compensation of the members of the Madison County Board of Education.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Barron:

S. 642. To amend Section 40-12-414, Code of Alabama 1975, by providing that a licensee may file a financial statement with the department of revenue in lieu of posting a cash bond or surety bond; to amend Section 40-12-421, Code of Alabama 1975; to provide that only licensed dismantlers and recyclers as defined by this act will be permitted to buy at salvage pools, and revoking the privilege of licensees under Article 8, Chapter 12, Code of Alabama 1975, to buy at such pools; and further to amend said section by revoking all buyer identification cards heretofore issued under this Article and requiring all persons, firms or corporations who qualify to obtain a new buyer's identification card and pay the fee prescribed.

By Reps. Stewart, Parker, Harper (T), Penry, Zoghby, Turner, McMillan, Bedsole and Kennedy:

H. 349. To control the movement of railroads, trucks, ships, barges and airplanes to and from any area under an evacuation alert because of rising water, the approach of a hurricane or other natural disaster.

By Rep. Kelley:

H. 545. To amend Section 9-17-26 of the Code of Alabama 1975, relating to oil and gas 2% production tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

By Rep. Kelley:

H. 546. To amend Section 40-20-5, of the Code of Alabama 1975, relating to oil and gas severance tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

By Reps. Mitchell, Roberts and Bedsole:

H. 916. This bill amends Section 6-5-462 so as to provide that all claims not of an equitable nature (except for injury to the reputation) survive in favor of and against personal representatives.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hilliard:

S. 637. Proposing an Amendment to the Constitution of Alabama of 1901, relative to repealing Amendments No. 83 and 110; and providing that vacancies occurring in a judicial office in Jefferson County shall be filled as otherwise provided by the Constitution of Alabama of 1901 or statewide law.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Owens:

H. 635. To make appropriations for the support and maintenance of the Walker County Junior College.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Minus (with substitute):

H. 499. To amend Act No. 80-529, Acts of Alabama 1980, Section 2(f), now appearing as Chapter 3A, Title 28, Code of Alabama 1975 and also to provide further license fees for clubs.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Adams (C):

H. 60. To amend Section 23-1-41 of the Code of Alabama 1975 which provides for insurance to employees of the state highway department who may be killed or injured in the line and scope of their employment so as to provide for a self-insurance program for such employees; to provide for administration of such program with state highway department personnel; to provide for the financing of such program with highway department funds; to provide for retroactive effect to February 1, 1980 and to provide that any reinsurance policies in effect on the effective date of this Act shall continue in force until September 30, 1981.

By Mr. Goodwin:

S. 342. Providing certain tuition grants to state supported institutions of higher education for certain survivors of state law enforcement officers who lose their lives while in line of duty and providing that the costs of such grants shall be absorbed by the institutions chosen for attendance by such survivors.

By Mr. Lemaster:

S. 585. To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as amended, for the purpose of purchasing land and constructing a building in Ft. Payne, Alabama, and at such other locations as the Director shall determine to be in the best interest of the State and/or purchasing furnishings and equipment therefor and the cost of which does not in total exceed the amount of the appropriation. Such buildings are to be occupied by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama, the same to be used exclusively by employees of said Division of Employment Security.

By Mr. White:

S. 644. To exempt the Alabama Federation of Women's Clubs from the payment of all state, county and municipal sales and use taxes.

By Mr. Pearson:

S. 551. To provide that full-time employees and executive officers of the Alabama Congress of Parents and Teachers, Inc., may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Congress and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

By Rep. Barton:

H. 227. To amend Section 40-5-9 if the Code of Alabama 1975, relating to ad valorem taxation so as to provide a ten percent (10%) penalty for the delinquent payment of same and to increase the interest due thereon.

By Mr. Vacca:

S. 23. To exempt the Kidney Foundation of Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

By Rep. Albright:

H. 19. To prohibit the levy of an increased amount of alcoholic beverage tax on the increased amount that a "collector's" bottle of liquor as defined by the alcoholic beverage control board or "gift pack" of wine sells for over the amount a regular bottle of the same size and kind of liquor or wine sells for.

By Rep. Smith (J):

H. 369. To authorize the tax assessor to assess property for tax purposes from January 1 through September 30 of each tax year, and the assessment becomes effective on the following October 1.

By Rep. Calrk (G):

H. 222. To amend the title, Section 1 and Section 3 of Act No. 80-635, H. 242, Regular Session 1980 (Acts of Alabama 1980, p.\_\_\_\_) providing for the establishment of a fee to be collected from the proceeds of all judicial sales; and to provide for the distribution of said fees, so as to provide that the provisions of said Act shall only apply to judicial sales originating in the district and circuit courts of this state and shall not apply to judicial sales originating in the probate courts of this state.

By Mr. Smith:

S. 492. To exempt the Childrens Home, Huntsville, Alabama, from the payment of state, county or municipal sales or use taxes.

By Messrs. deGraffenried and Callahan:

S. 560. To create the Board of Corrections Capital Outlay Oversight Commission; to prescribe the composition and appointment of the membership and terms of office; to prescribe the commission's powers and duties; to provide for the election of a chairman and vice chairman of the commission and its organization, meetings and conduct of business; to make a conditional supplemental appropriation from the general fund of the state treasury, for

the fiscal year ending September 30, 1982, to the Board of Corrections for capital outlay purposes and to prescribe the conditions of release therefor; and to provide for legislative compensation, per diem and travel expenses.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried and Callahan (With Amendment):

S. 561. To create the Mental Health Capital Outlay Oversight Commission; to prescribe the composition and appointment of the membership and terms of office; to prescribe the commission's powers and duties; to provide for the election of a chairman and vice chairman of the commission and its organization, meetings and conduct of business; to make a conditional supplemental appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the department of Mental Health for capital outlay purposes and to prescribe the conditions of release therefor; and to provide for legislative compensation, per diem and travel expenses.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 608. To create the Historic Blakeley Authority to establish as a state park the lands in Baldwin County known as the Blakeley site; provides for membership on the board of the authority; provides that the board shall have corporate powers; provides for the issuance of bonds; and provides that the authority shall employ personnel to operate and maintain the state park.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment and it was read a second time and placed on the calendar, to-wit:

By Mr. Weeks (With Amendment):

S. 578. To make a supplemental appropriation from the state treasury to the Charles Henderson High School of Troy for the fiscal year ending September 30, 1981, for the purpose of sending the marching band to England to participate in the International Festival of Marching Bands in July.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Biddle:

H. 43. To specifically exempt certain drugs from any state gross sales taxes; to define such drugs.

By Reps. Biddle and Sasser:

H. 327. To provide for the levy of a sales tax on the sale of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any

county in this state and purchased other than at wholesale in this state from any person, firm, or corporation not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers, or house trailers within the state; to provide that the tax collector collect the tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer; to provide for the levy of an excise or use tax in lieu of the excise tax levied by Section 40-23-61(c), Code of Alabama, 1975, as amended on the storage, use, or other consumption in the state of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale outside the state on or after July 1, 1981 for storage, use or other consumption in this state; to require the tax collector to collect such tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer in this state; to provide for the allowance of a fee on taxes collected to the tax collector; to provide for the distribution of the tax collected; to require the license commissioner to collect the tax in counties where such office has been established pursuant to a local law or general law of local application; and to provide for reciprocity.

By Rep. Owens:

H. 634. To make appropriations for the support and maintenance of the Talladega College.

By Rep. Edwards, Warren and Cosby:

H. 155. To amend Section 41-16-52, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to increase the present limits on expenditures for repair or lease of heavy duty off-highway construction equipment that may be made without the requirement of competitive bids being taken from \$1,500 to \$6,000 on parts and repair and from \$1,500 to \$3,000 per month on the lease of such equipment.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Sandusky (with notice and proof):

H. 839. To establish the Mobile County Litter Control Act of 1981; to provide purpose and intent; to provide for definitions, penalties, enforcement and collection of fines. To provide for an effective date, severability and the repeal of conflicting acts.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 615. To authorize and make provision for the incorporation in any municipality of Housing Development Authorities for the purpose of making available at lower interest rates funds for the acquisition, construction and rehabilitation of owner-occupied, single-family dwelling units and multi-family units not to exceed six units, at least one of which is to be owner-occupied; to provide for the election and compensation of directors

of any such Authorities; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to purchase notes and other instruments secured by mortgages, deeds of trust, notes and other security interests on such single-family and multi-family dwelling units; to authorize any such Authority to foreclose such mortgages, deeds of trust, notes or other security interest, sell the equity of redemption of such security interest and purchase the equity of redemption of the grantor of the said security interests; to authorize any such Authority to make contracts with others for the origination and servicing of loans represented by such mortgages, deeds of trust, notes and other security interests; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues derived from or referable to any notes or other instruments purchased by such Authority, and from any of its other property; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the employment by any such Authority of such officers, employees and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to provide for the investment of funds of any such Authority; to authorize the sale or conveyance, with or without consideration, by any such Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state; to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; and to limit to one the number of such Authorities which may exist in any municipality at any one time.

By Mr. Pearson:

S. 586. To make a supplemental appropriation from the general fund in the state treasury to the Office of Secretary of State, for the fiscal year ending September 30, 1981.



By Mr. Gullledge:

S. 574. To allow members of the Teachers' Retirement System employed by the Agricultural Experiment Station of Auburn University to purchase up to five years' creditable service in such retirement system for employment by the Cooperative Extension Service of Auburn University.

By Mr. Cook:

S. 245. To exempt certain sales of printed materials from any state, county or municipal sales and use taxes.

By Messrs. Barron, Parsons, Harrison, Britnell, Robertson, Little, Taylor, Denton, Holmes, Proctor, Glass, Hall, Miller, Bailey, Vacca, Martin, Teague, Keener and Kirkland:

S. 256. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on official state business.

By Messrs. Barron, Robertson, Parsons, Harrison, Britnell, Little, Taylor, Denton, Holmes, Proctor, Glass, Hall, Miller, Bailey, Vacca and Teague:

S. 255. To provide salary increases for certain state employees and to appropriate funds therefor.

By Mr. Callahan:

S. 554. To amend Section 11-50-345, Code of Alabama 1975 so as to remove the maximum interest rate of ten (10%) percent per annum on the bonds authorized in that section to be issued by a board of water and sewer commissioners created under the provision of article 10, chapter 50, Title 11, Code of Alabama 1975 and otherwise to exempt such bonds from State usury laws, including, without limitation, Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import.

By Mr. St. John:

S.440. To create and establish a state land resources information center within the Legislative Fiscal Office; to prescribe certain data and information to be compiled by such center and to provide for the administration of such center.

By Mr. Pearson:

S. 122. To amend Section 32-6-60 of the Code of Alabama 1975, relating to licensing, registration and ad valorem taxation of motor vehicles, so as to specify the legislative intent regarding issuance fees; to provide for credit for overpayments; and make the provisions retroactive.

By Mr. Little:

S. 345. To make an appropriation from the state general fund for the purpose of entering into a professional services contract to analyze the cash and other assets management function of the state and make recommendations for improvements therein.

By Rep. Owens:

H. 633. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Langford, Wyatt, Holmes, Dixon and McKee (With Substitute):

H. 691. To create an additional judgeship for the Fifteenth Judicial Circuit of Alabama; to provide for the appointment of the first judge and the election of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the Fifteenth Judicial Circuit of Alabama to seven; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Owens:

H. 632. To make appropriations for the support and maintenance of the Marion Military Institute.

By Reps. Crow, Willis and Turner:

H. 578. To amend Section 36-30-20, Code of Alabama 1975, which defines the term state trooper for compensation for death or disability from occupational diseases, so as to include conservation enforcement officers within said definitions.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Vacca (With Substitute):

S. 329. To create three additional judgeships for the Tenth Judicial Circuit of Alabama; to provide for the election of such judges; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to increase the number of circuit judges in the Tenth Judicial Circuit of Alabama to 23, to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

By Rep. Owens (With Substitute):

H. 631. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

By Reps. Venable, Willis and Dial (With Substitute):

H. 259. To prohibit the State of Alabama, its political subdivisions, and agencies or instrumentalities or one or more of the foregoing, from issuing securities or obligations for the purpose of acquiring, constructing, improving or otherwise developing any establishment, facility or project to be used primarily in the business of making retail sales of goods or products, or of providing services, to the general public or any significant or recognizable segment thereof and to be operated primarily for the economic or pecuniary benefit of certain private persons, firms or corporations.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (With Substitute) (With Amendments):

H. 630. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Messrs. White, Proctor, Hilliard, deGraffenried, Cook, Parsons, Holmes and Miller:

S. 69. To amend Section 16-40-7 of the Code of Alabama, 1975, requiring comprehensive health education in the public schools of Alabama, so as to further provide for the commencement of such instructions for certain pupils and to prescribe the minimum health instruction requirements for grades K through nine.

By Mr. Taylor:

S. 358. To amend Section 25-4-75, Code of Alabama 1975, as last amended, to comply with the requirement of federal law as contained in Public Law 96-499 relating to benefits under the extended benefit program so as to provide for a limit to the first 2 weeks of benefits paid on an interstate claim filed in an agent state where no extended benefit period is in effect; to provide restrictions on eligibility for such benefits to individuals who fail to accept any offer of suitable work and to define "suitable work"; actively engage in systematic and sustained effort to find work and to furnish tangible evidence of such efforts; to provide penalties for violations thereof; and to meet the requirements that these provisions become effective for weeks of unemployment commencing after March 31, 1981.

By Reps. Johnson (R. G.), Shoemaker and Carothers:

H. 216. Relating to the manufacture of prescription drugs requiring the identification of drug products; providing for an exemption in the case of hardship; providing for the disclosure of descriptive information; providing for the adoption of rules; providing for an exemption for drug products compounded by a pharmacist in a pharmacy; providing an effective date.

By Reps. Penry, Letson, Bedsole, Warren and Harper (T):

H. 527. To license and regulate grain dealers under the State Department of Agriculture and Industries; to require posting of bonds by dealers for the benefit of producers; to provide for inspection and investigation of grain dealers' operations and provide for hearings and suspension or revocation of grain dealers' licenses.

By Messrs. Kirkland, Barron, Robertson, Proctor, Glass, Parsons, White, Cook and Teague:

S. 333. To amend Section 32-6-65, Code of Alabama 1975, as amended, which relates to penalties for late purchase of auto license tags, so as to alter said penalties.

By Mr. Lemaster:

S. 367. To provide for a discount of 2.2% on monthly electrical bills for residential use for those people who are served electricity by corporations organized under Chapters 5, 6 and 7 of Title 37, Code of Alabama 1975, provided those people are 62 years of age or older or if they are totally disabled, and to provide a means by which those people qualified may receive such discount.

By Rep. Clark (G):

H. 503. To promulgate "The Motor Vehicle Franchise Act" in order to provide for the regulation of motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

By Mr. McDonald:

S. 588. Relating to franchise agreements between retailers engaged in the business of selling and retailing farm implements, machinery, utility and industrial equipment, attachment or repair parts, and wholesalers, manufacturers or distributors therefor; requiring repurchase of certain inventory, stock and equipment from such retailers upon termination of a contract between the retailer and wholesalers, manufacturers, or distributors, as the case may be; providing procedures for such repurchase; establishing limitations and rights upon such repurchase; providing civil liability for failure to repurchase; extending the right to require repurchase option to the heirs of retailers; providing for warranty claims; providing for contractual rights and indemnification; providing for auditing and prescribing time limits therefor and for collections.

By Mr. Britnell:

S. 361. To further amend Section 40-9-19, Code of Alabama 1975, which provides for a homestead exemption from ad valorem taxation for certain single-family owner-occupied residential property, so as to provide, effective retroactively to October 1, 1980, that such exemption shall apply if such property is used primarily as a residence, even though a portion thereof is used for commercial purposes.

CONSENT CALENDAR  
BILLS ON THIRD READING RESUMED

The Bill:

S. 69. To amend Section 16-40-7 of the Code of Alabama, 1975, requiring comprehensive health education in the public schools of Alabama, so as to further provide for the commencement of such instructions for certain pupils and to prescribe the minimum health instruction requirements for grades K through nine.

was taken up.

On motion of Mr. White, the Rules were suspended and he was granted permission to offer the following amendment to the Bill, S. B. 69, to-wit:

## AMENDMENT TO S. B. 69

Amend Senate Bill 69, page 2, line 36, by deleting Section 2 in its entirety and inserting in lieu thereof the following new Section 2:

"Section 2. Sex education in any of the areas shall be limited to biological reproduction and maturation. The teaching of values in sex education is to be regarded as a family responsibility. Special emphasis shall be placed on abstinence as the prevention for venereal disease and unwanted pregnancy.

"Section 3. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as herein provided."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Figures	Hilliard	Martin	
Bailey	Goodwin	Holmes	Robertson	
Barron	Hall	Keener	Taylor	
Callahan	Harrison	Lemaster	White	
Cook	Higginbotham	Little		—18

Nays: —0

And said Bill, S. B. 69, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 2.

Yeas:

Messrs.:	Goodwin	Lemaster	Pearson	
Bailey	Hall	Little	Robertson	
Callahan	Higginbotham	Martin	Taylor	
Cook	Holmes	Parsons	White	
Figures	Keener			—17

Nays: Messrs.: Denton and St. John. —2

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 173. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 24th legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 146	31	Juries selection process, civil & criminal cases
H. B. 537	49	Alabama Highway Finance Corp.
S. B. 515	114	Gasoline, distribution of proceeds
S. B. 141	18	Laws 1980, adpt. into Code, exclude Bus. Corp. Act
S. B. 93	103	Ala. Municipal Electric Authority
S. B. 459	58	Hazardous Wastes Management Act of 1978, am'd
S. B. 419	87	Liens, property stored in self-serve fac.
S. B. 417	65	So. Ala. Fair Assoc., limit removed
S. B. 439	96	Empl's classification, compensation, & sick leave
S. B. 67	113	Council on Arts and Hum., merit syst., ERS
S. B. 129	80	Road Contractors
S. B. 566	124	Liens, estate tax
S. B. 206	29	Children, legitimation process, guardian
S. B. 567	125	Bd. of Ed., warrants, payment, fee schedule
S. B. 92	10	Public health, am'd
S. B. 289	61	Municipal Corporations, empl. ins. prov.
S. B. 474	73	Jurors, pass on soundness of mind, paid \$8.00
S. B. 469	59	Probate Court, matters not to be moved to District Court
S. B. 166	23	AL. State Tenure Commission, hearings

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

CONSENT CALENDAR  
BILLS ON THIRD READING RESUMED

The Bill:

S. 358. To amend Section 25-4-75, Code of Alabama 1975, as last amended, to comply with the requirement of federal law as contained in

Public Law 96-499 relating to benefits under the extended benefit program so as to provide for a limit to the first 2 weeks of benefits paid on an interstate claim filed in an agent state where no extended benefit period is in effect; to provide restrictions on eligibility for such benefits to individuals who fail to accept any offer of suitable work and to define "suitable work", actively engage in systematic and sustained effort to find work and to furnish tangible evidence of such efforts; to provide penalties for violations thereof; and to meet the requirements that these provisions become effective for weeks of unemployment commencing after March 31, 1981.

was taken up.

On motion of Mr. Taylor, further consideration of the Bill, S. B. 358, was postponed until the Twenty-Fifth Legislative Day.

The Bill:

H. 216. Relating to the manufacture of prescription drugs requiring the identification of drug products; providing for an exemption in the case of hardship; providing for the disclosure of descriptive information; providing for the adoption of rules; providing for an exemption for drug products compounded by a pharmacist in a pharmacy; providing an effective date.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Robertson
Bailey	Figures	Keener	Smith
Barron	Goodwin	Little	Taylor
Cook	Gulledge	Martin	Weeks
deGraffenried	Hall	Proctor	White

—19

Nays:

—0

The Bill:

H. 527. To license and regulate grain dealers under the State Department of Agriculture and Industries; to require posting of bonds by dealers for the benefit of producers; to provide for inspection and investigation of grain dealers' operations and provide for hearings and suspension or revocation of grain dealers' licenses.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Gulledge	Martin	Smith
Barron	Hall	Pearson	Teague
Callahan	Holmes	Proctor	Vacca
deGraffenried	Keener	Robertson	White
Denton	Lemaster		

—21

Nays:

—0

The Bill:

S. 333. To amend Section 32-6-65, Code of Alabama 1975, as amended, which relates to penalties for late purchase of auto license tags, so as to alter said penalties.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	McDonald	St. John	
Bailey	Holmes	Parsons	Smith	
Barron	Lemaster	Pearson	Taylor	
Cook	Little	Proctor	Teague	
Denton	Martin	Robertson	Weeks	
				—19

Nays: —0

The Bill:

H. 503. To promulgate "The Motor Vehicle Franchise Act" in order to provide for the regulation of motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Higginbotham	Martin	Smith	
Bailey	Holmes	McDonald	Taylor	
Denton	Keener	Parsons	Teague	
Goodwin	Lemaster	Robertson	White	
Hall	Little	St. John		
				—18

Nays: —0

The Bill:

S. 367. To provide for a discount of 2.2% on monthly electrical bills for residential use for those people who are served electricity by corporations organized under Chapters 5, 6 and 7 of Title 37, Code of Alabama 1975, provided those people are 62 years of age or older or if they are totally disabled, and to provide a means by which those people qualified may receive such discount.

was taken up.

On motion of Mr. Lemaster, the Rules were suspended and he was granted permission to offer the following substitute for the Bill, S. B. 367, to-wit:



## SUBSTITUTE FOR S. B. 367

A BILL  
TO BE ENTITLED  
AN ACT

This bill amends § 40-21-53 of the Code of Alabama 1975 to provide for an exemption from the 2.2% Gross Receipts License Tax for electricity sold to certain persons who are 62 years of age or older or are totally and permanently disabled, and provides that certain persons who are 62 years of age or older or who are totally and permanently disabled shall receive a credit in the amount of the 2.2% tax on their monthly electric bills.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-21-53 of the Code of Alabama 1975, is amended to read as follows:

§ 40-21-53.

(a) Each person, firm or corporation, including any corporations organized under chapters 5, 6 and 7 of Title 37, operating an electric or hydroelectric public utility shall pay to the state a license tax equal to two and two-tenths percent on each \$1.00 of gross receipts of such public utility for the preceding year; except, that gross receipts from the sale of electricity for resale by such electric or hydroelectric public utilities and gross receipts from the sale of electricity to the persons identified in subsection (b) hereof shall be deducted in computing the amount of tax due hereunder. For the first years business, where an existing electric public utility is taken over, such license tax payable to the State shall be equal to two and two-tenths percent on each \$1.00 of gross receipts for the preceding year of the electric utility taken over, after deduction of gross receipts derived from sales of electricity for resale and gross receipts from the sale of electricity to the persons identified in subsection (b) hereof and less whatever sum the prior operators shall have paid as such license tax on the gross receipts for that year. Where no existing electric public utility is taken over, the license tax for the first year upon such utility shall be based upon the first year's business, computed as provided hereinabove, but shall in no event be less than \$100 for the first year's business. Any person, firm or corporation establishing a new electric public utility shall pay to the state the sum of \$100.00 and shall also at the same time execute a bond payable to the state of Alabama to insure payment of whatever sum in addition to such \$100.00 may be due when, at the end of the first year the amount of gross receipts for the year is ascertainable. Such license tax shall be paid to the department of revenue by check made payable to the treasurer and shall be paid quarterly, one fourth on October 1, one fourth on January 1, one fourth on April 1 and one fourth on July 1 and shall become delinquent on the fifteenth day of each of said months. Payment shall be accompanied by a statement made by the president or other officer of the public utility or by the owner thereof, giving the name of the person, firm or corporation owning and operating such public utility and the principal place of business thereof, together with a statement under oath of the amount of gross receipts of such public utility for the preceding year. The books of every person, firm or corporation operating such public utility shall be at all times open to the inspection of the department of revenue. Any person failing to make such sworn statement or willfully making a false statement of the gross receipts of such public utility shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding \$500.00 and shall also forfeit to the state three times the amount of the license for such public utility, but no license under this schedule shall be paid to the county or counties.

(b) (1) On or after October 1, 1981 any person who is 62 years of age or older or totally and permanently disabled and such person is head of a household and does not share his or her residence with more than one other adult person who is less than 62 years of age and who receives electricity at such residence from a utility which is subject to the 2.2% license tax levied in subsection (a) hereof shall be entitled to qualify, in accordance with the provisions of paragraph (2) of this subsection, for a credit on his or her monthly electric bill in the amount of the exemption from the 2.2% license tax with respect to sales of electricity to such person provided in subsection (a) hereof; provided that the combined gross incomes of all persons who live at the residence of such person 62 years of age or older or such totally and permanently disabled person shall not exceed \$12,000 annually. Eligibility for this credit applies only to the extent and amount that it is billed to the customers as a normal requirement under its rates.

(2) Any person who seeks to qualify for the credit provided in paragraph (1) of this subsection shall make application to the Department of Pensions and Security in accordance with rules promulgated by the Department of Pensions and Security for the implementation and enforcement of this act. The Department of Pensions and Security shall periodically notify, in writing, each electric utility in the state which is subject to payment of the 2.2% license tax levied in subsection (a) hereof regarding those customers who are entitled to receive the monthly credit. Within 45 days after receipt of notification for such monthly credit the electric utility shall commence providing such credit for gross receipts license tax that otherwise would be billed.

(3) Any person who wrongfully qualifies for such exemption by giving false information shall be guilty of a misdemeanor and upon conviction may be fined not to exceed \$500.00.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Little	Smith
Bailey	Higginbotham	Martin	Taylor
Cook	Hilliard	McDonald	Teague
deGraffenried	Holmes	Proctor	Weeks
Denton	Keener	St. John	White
Goodwin	Lemaster		

—21

Nays:

—0

And said Bill, S. B. 367, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 4.

*Yeas:*

Messrs.:	Denton	Martin	Smith
Bailey	Keener	McDonald	Teague
Barron	Lemaster	Parsons	Vacca
deGraffenried	Little	Proctor	Weeks

—15

*Nays:* Messrs.: Goodwin, Higginbotham, St. John and Taylor.

—4

### MOTIONS IN WRITING

Mr. Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 247, on page 34 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 247, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 186, on page 95 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 186, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### BILL RE-REFERRED

Mr. Barron moved that the Bill, H. B. 912, be removed from the Standing Committee on Judiciary and referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H.B. 912, re-referred to the Standing Committee on Local Legislation No. 1.

### CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

S. 588. Relating to franchise agreements between retailers engaged in the business of selling and retailing farm implements, machinery, utility and industrial equipment, attachment or repair parts, and wholesalers, manufacturers or distributors therefor; requiring repurchase of certain inventory, stock and equipment from such retailers upon termination of a contract between the retailer and wholesalers, manufacturers, or distributors, as the case may be; providing procedures for such repurchase; establishing limitations and rights upon such repurchase; providing civil liability for failure to repurchase; extending the right to require repurchase option to the heirs of retailers; providing for warranty claims; providing for contractual rights and indemnification; providing for auditing and prescribing time limits therefor and for collections.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Martin	Smith
Bailey	Holmes	McDonald	Taylor
deGraffenried	Keener	Parsons	Teague
Denton	Lemaster	Proctor	Weeks
Goodwin	Little	St. John	

—18

*Nays:* —0

The Bill:

S. 361. To further amend Section 40-9-19, Code of Alabama 1975, which provides for a homestead exemption from ad valorem taxation for certain single-family owner-occupied residential property, so as to provide, effective retroactively to October 1, 1980, that such exemption shall apply if such property is used primarily as a residence, even though a portion thereof is used for commerical purposes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Hall	Martin	Smith
Britnell	Higginbotham	McDonald	Teague
Cook	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks

—19

*Nays:* —0

The Bill:

H. 97. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Section 34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$100.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure and require all members of the board to be licensed auctioneers.

as amended on the Fifteenth Legislative Day, was again taken up.

And said Bill, H. B. 97, as amended, was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	McDonald	Teague	
Bailey	Holmes	Proctor	Vacca	
Britnell	Keener	St. John	Weeks	
deGraffenried	Little	Smith	White	
Goodwin	Martin	Taylor		—18

*Nays:* —0

## REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Communication from the State Department of Archives and History and ordered same returned to the Senate with a favorable report, to-wit:

Certification of Election to the Board of Trustees of the Archives and History Department of Mr. McDonald Hughes and Mr. Harvey J. Wright

On motion of Mr. deGraffenried, the election of Mr. Hughes was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Little	Smith	
Bailey	Denton	McDonald	Taylor	
Britnell	Goodwin	Proctor	Teague	
Callahan	Holmes	Robertson	White	
Cook	Keener	St. John		—18

*Nays:* —0

On motion of Mr. McDonald, the election of Mr. Wright was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Smith	
Barron	Goodwin	Martin	Taylor	
Britnell	Higginbotham	McDonald	Teague	
Cook	Keener	Robertson	White	
deGraffenried	Lemaster	St. John		—18

*Nays:* —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Mr. Charles Carmichael, Jr., Ms. Ruth P. Spencer, Ms. Martha Kirkland, Mr. Guy Burns, and Mr. Ernest L. Reddick to the University of Montevallo Board of Trustees.

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On motion of Mr. Goodwin, the appointment of Mr. Carmichael was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Smith	
Barron	Goodwin	Martin	Taylor	
Britnell	Higginbotham	McDonald	Teague	
Cook	Keener	Robertson	White	
deGraffenried	Lemaster	St. John		—18

*Nays:* —0

On motion of Mr. Higginbotham, the appointment of Ms. Spencer was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Smith	
Barron	Goodwin	Martin	Taylor	
Britnell	Higginbotham	McDonald	Teague	
Cook	Keener	Robertson	White	
deGraffenried	Lemaster	St. John		—18

*Nays:* —0

On motion of Mr. McDonald, the appointment of Ms. Kirkland was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Smith	
Barron	Goodwin	Matrtin	Taylor	
Britnell	Higginbotham	McDonald	Teague	
Cook	Keener	Robertson	White	
deGraffenried	Lemaster	St. John		—18

*Nays:* —0

On Motion of Mr. Proctor, the appointment of Mr. Burns was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Smith	
Barron	Goodwin	Martin	Taylor	
Britnell	Higginbotham	McDonald	Teague	
Cook	Keener	Robertson	White	
deGraffenried	Lemaster	St. John		—18

*Nays:* —0

On motion of Mr. St. John, the appointment of Mr. Reddick was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Smith	
Barron	Goodwin	Martin	Taylor	
Britnell	Higginbotham	McDonald	Teague	
Cook	Keener	Robertson	White	
deGraffenried	Lemaster	St. John		—18

*Nays:* —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Dr. Mamie L. Foster, Mr. J. C. Moquin, Mr. James W. Coleman, and Dr. Spencer Thomas to the Alabama A & M University Board of Trustees.

On motion of Mr. Pearson, the appointment of Dr. Foster was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Higginbotham	McDonald	Taylor	
Cook	Keener	Pearson	Teague	
deGraffenried	Lemaster	Robertson	White	—19

*Nays:* —0

On motion of Mr. Pearson, the appointment of Mr. Moquin was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Higginbotham	McDonald	Taylor	
Cook	Keener	Pearson	Teague	
deGraffenried	Lemaster	Robertson	White	—19

*Nays:* —0

On motion of Mr. Pearson, the appointment of Mr. Coleman was confirmed by the Senate.

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Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	St. John
Barron	Goodwin	Martin	Smith
Britnell	Higginbotham	McDonald	Taylor
Cook	Keener	Pearson	Teague
deGraffenried	Lemaster	Robertson	White

—19

*Nays:* —0

On motion of Mr. Pearson, the appointment of Dr. Thomas was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	St. John
Barron	Goodwin	Martin	Smith
Britnell	Higginbotham	McDonald	Taylor
Cook	Keener	Pearson	Teague
deGraffenried	Lemaster	Robertson	White

—19

*Nays:* —0

SPECIAL ORDER  
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 146. To amend Sections 12-16-58, 12-16-70, 12-16-74, 12-16-76, 12-16-76, 12-16-100 to provide for the drawing, selecting, empaneling, and summoning of juries in both civil and criminal cases; to provide a random selection formula for filling the master jury box; to abolish the requirements of a special venire and that excusals be heard in the presence of the defendant; to provide for a minimum number of qualified jurors from which to strike in criminal cases and to provide for the number of strikes available to the district attorney and the defendant; and further to provide for an optional combined qualification and summons process from the master list that, notwithstanding any provisions of Title 12, Section 16, Code of Alabama 1975, which eliminates the master jury box and modifies the juror qualification process; to provide for computerization of the selection process; and to repeal Sections 12-16-71, 12-16-75, 12-16-77, 12-16-79, 12-16-102, 12-16-120, 12-16-121, 12-16-122, 12-16-123, 12-16-124, 12-16-125, 12-16-126, and 12-16-127, Code of Alabama 1975.

And said Bill, S. B. 146, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Barron	deGraffenried	Figures
Bailey	Britnell	Denton	Goodwin



Hall	Little	St. John	Teague	
Higginbotham	Martin	Smith	Vacca	
Holmes	Robertson	Taylor	White	
Keener				—20
<i>Nays:</i>				—0

Mr. deGraffenried moved that the Senate reconsider the vote by which the Bill, S. B. 146, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### MOTION IN WRITING

Mr. Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 38, on page 28 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 38, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 537. To make further provisions for the issuance of obligations by the Alabama Highway Finance Corporation by amending Article 7 of Chapter 1 of Title 23 of the Code of Alabama, 1975, as amended, so as to exempt all obligations issued by the Corporation from the laws of the State governing usury or prescribing or limiting interest rates including but without limitation to the provisions of Chapter 8 of Title 8 of the Code of Alabama, 1975.

was taken up.

### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. White (with proof and notice):

S. 650. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama as said Section 8 has been heretofore amended.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 650 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Little (with notice and proof):

S. 651. Relating to Tallapoosa County; increasing the salaries of deputies to the sheriff.

Committee on Local Legislation No. 1.

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I hereby certify that the Notice & Proof is attached to the Bill, S. B. 651, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Little (with notice and proof):

S. 652. Relating to Tallapoosa County; to amend further Section 2 of Act No. 83, H. 427, Regular Session of 1957 (Acts 1957, p. 124), so as to provide further for the office and travel expenses of the coroner; and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 652, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. McDonald (with notice and proof):

S. 653. Relating to Limestone County; amending Act No. 79-501, S. 620, 1979 Regular Session (Acts 1979, p. 914), which provides for distribution of T.V.A. payments, so as to provide further for said payments.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to Bill, S. B. 653, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Teague:

S. 654. To provide for participation in the Employees' Retirement System by blind vendors associated with the Business Enterprise for the Blind administered by the Division of Rehabilitation and Crippled Children Service of the state Department of Education; and to authorize annual appropriations from funds of the general fund of the state in amounts sufficient to carry out the provisions of this act.

Committee on Finance and Taxation.

By Mr. Little (with notice and proof):

S. 655. Relating to Tallapoosa County; amending Act No. 147, H. 163, 1969 Regular Session (Acts 1969, p. 210), which provides for the imposition of a privilege license or excise tax on sellers, distributors, storers, or users of malt or brewed beverages in the county, so as to provide further for the administration of the Act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 655, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. Taylor and Goodwin (with notice and proof):

S. 656. To amend Section 1 of Act No. 333, H. 234 Special Session 1966, (Acts 1966, p. 476) which relates to expense allowances of the chairman and members of the county board of equalization of Autauga County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 656, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Teague (with notice and proof):

S. 657. Relating to St. Clair County; providing further for court costs for all criminal and civil cases filed in circuit or district court; providing that the proceeds of such costs be used for the construction, maintenance and operation of the county jails; and providing for a referendum election as a prerequisite to the effectiveness of this Act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 657, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. McDonald (with notice and proof):

S. 658. To alter and rearrange the boundary lines of a portion of School District One and School District Two in Madison County, Alabama

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 658, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Teague:

S. 659. To impose certain court costs and seizure fees; to provide for their distribution to certain police academies; to provide for the acceptance of grants and to provide for cooperation between certain agencies.

Committee on Finance and Taxation.

By Mr. Figures (with notice and proof):

S. 660. To amend the Title and Section 1 of Act No. 155, H. 654, Regular Session 1969 (Acts 1969, p. 430) which provides that the Governing Body of any city or town in any county in the State of Alabama having a population in excess of 300,000 and less than 600,000 inhabitants may create the position of Assistant City Attorney on a full-time basis and may provide that any person holding such position in the municipal government shall be immediately placed upon the employment civil service or merit system roster of such county without examination or decrease in salary and that such position shall thereafter remain under the provisions of any such civil service or merit system, so that such municipal governing body may create one or

more positions of Assistant City Attorney on a full-time basis and may provide that any person or person filling such position or positions shall be immediately placed upon such employment civil service or merit system roster without examination or decrease in salary and that such position shall thereafter remain under the provisions of any such civil service or merit system.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 660, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Callahan (with notice and proof):

S. 661. Relating to Mobile County, to provide that the Board of Registrars of Mobile County shall not register any person as a qualified elector within 15-days prior to any election.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 661, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. deGraffenried:

S. 662. To amend Section 41-9-252 of the Code of Alabama 1975 relating to historical commissions and the composition of certain historical advisory committee so as to change an incorrect reference to a congressional district.

Committee on Governmental Affairs.

By Mr. Bailey:

S. 663. To repeal Sections 34-5-8 through 34-5-13, Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Board of Barber Examiners.

Committee on Governmental Affairs.

By Mr. White:

S. 664. To amend Section 12 of Act Number 81-218 so as to enable the Medical Licensure Commission to exercise discretion as to whether or not a license should be reinstated and to authorize the Medical Licensure Commission to require the applicant to appear for an interview and present any information the Commission deems necessary for a consideration of the application for reinstatement.

Committee on Health and Welfare.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 132. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

Also:

S. 428. To make further provisions for the issuance of obligations by Alabama federal aid highway finance authority by amending article 10 of chapter 1 of Title 23 of the Code of Alabama of 1975 so as to provide for the issuance and use of proceeds of obligations of the authority for the purpose of anticipating and providing for not only the federal share of the cost of constructing interstate and defense highways but also for the purpose of anticipating and providing for the federal share of the costs of constructing state highways to the extent that the said highways constitute primary highways as defined in section 23-1-301; to delete the requirement that obligations be issued only for the purpose of providing funds to pay the federal share of the costs of constructing highway projects qualifying for reimbursement from the United States of America on a nine to one matching basis and to permit obligations of the authority to be issued and proceeds thereof to be expended for payment of any cost of constructing any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the said United States pursuant to the written agreement provided for in this article; to amend section 23-1-300 of the said Code so as to provide that obligations of the authority shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending in 1978 through 1995 (rather than the federal fiscal years 1978 through 1983); to amend section 23-1-301 of the said Code by (i) permitting the issuance of temporary bonds in coupon form, (ii) amending the definition of bond to include refunding bonds issued to refund outstanding obligations, (iii) amending the definition of note by further defining a note as an obligation which recites on its face that it is issued in anticipation of the sale by the authority of bonds and which is payable to the order of a named payee, and (iv) further defining a temporary bond as an obligation issued by the authority which recites on its face that it is issued in anticipation of the sale by the authority of bonds; to amend section 23-1-307 of the said Code by (i) deleting the provision of the said section which provides that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on obligations issued by the authority, and (ii) providing that the authority may from time to time sell and issue refunding bonds for the purpose of refunding any then outstanding obligations of the authority and to provide that the provisions of the said section limiting the aggregate principal amount of bonds to \$212,000,000 shall not apply to refunding bonds; to extend from eight to fifteen years the maximum permissible maturity date of bonds; to delete the requirement of section 23-1-310 of said Code that the bonds be sold only at public sale and at a price at least equal to their face value and to provide that any obligation of the authority may be sold either at public or private sale and at such prices as may be deemed most advantageous by the board of directors, but that none of the obligations may be sold for a price less than 97% of their par or face value; to exempt all obligations issued by the authority from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of the code of Alabama of 1975; to amend section 23-1-313 of the said Code by (i) deleting the prohibition with respect to the use of the proceeds of obligations of the authority for payment of fees of fiscal agents or financial consultants, and (ii) providing that proceeds of refunding bonds may be used for payment of principal of and interest on any outstanding obligations of the authority and for payment of any redemption premium necessary in order to redeem or

retire the said outstanding obligations; to amend section 23-1-314 of the said Code by (i) extending the period for which funds to be received by the state from the United States government may be pledged to the federal fiscal year ending in 1995, and (ii) providing that the said funds received from the federal government during any federal fiscal year should be set aside to pay not only those obligations of the authority which mature during such federal fiscal year but also any obligations which are subject to mandatory redemption by the authority during any such federal fiscal year; and to make certain other clarifying changes and to correct certain typographical errors.

Also:

S. 549. To authorize and provide for the promotion of the production, marketing, use and sale of cotton and cotton products by research, education, advertising and other methods; to prescribe a method whereby cotton producers may act jointly with handlers, ginnerers, buyers, processors, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the cotton producers of Alabama; to provide for the administration thereof by a commission, which is fairly and substantially representative of the producers of cotton throughout the state and to regulate the establishment of such commissions; to provide for collection and distribution of assessments; to require ginnerers of cotton to collect assessments levied under this act; and to prescribe other administrative, enforcement, promotional and penalty provisions.

JOHN W. PEMBERTON, CLERK

#### MOTION IN WRITING

Mr. Harrison offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 238, on page 74 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 238, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Ward, Whatley and Turnham (With Notice and Proof):

H. 909. To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of

Chapter 23 of Title 40 of the Code of Alabama 1975 as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; and to prescribe penalties and fix punishment for violations of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 909 as required in the General Acts of Alabama 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Laird, Turnham, Harper (O) and Ward (with notice and proof):

H. 973. Relating to Chambers County; to provide for a certain additional tax upon the sale, use or consumption of malt or brewed beverages and to provide for disposition of the proceeds of such additional tax.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 973, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Laird, Turnham, Harper (O) and Ward (with notice and proof):

H. 974. Relating to Chambers County; to provide further for the mileage allowance of the county coroner, and to provide for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 974, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1012. To authorize the Macon County Commission to provide protection against forest fires within the county and to assess the whole or part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1012, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Adams (H) (with notice and proof):

H. 1018. Relating to the Town of Cedar Bluff, in Cherokee County; authorizing the Town of Cedar Bluff as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to

furnish television cable services to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its power in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1018, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

*JOHN W. PEMBERTON,*  
*Clerk.*

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 909, 973, 974, 1012, and 1018. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Bedsole, Penry, Zoghby, Stewart, Patton, Drinkard, Harper (T), Clark (W) and Buskey:

H. 392. To provide that certain handicapped individuals shall be granted distinctive license plate decals or identification placards for use in special parking places reserved for such persons; to authorize reciprocal agreements with other states regarding such parking places and to provide penalties for misuse and abuse of such parking places.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 392. To the Committee on Governmental Affairs.

#### FURTHER CONSIDERATION OF H. B. 537

The Senate proceeded to further consideration of the Bill, H. B. 537.

And said Bill, H. B. 537, was read a third time at length and passed.



Yeas 20; Nays 3.

*Yeas:*

Messrs.:	Higginbotham	Martin	St. John	
Britnell	Hilliard	McDonald	Smith	
deGraffenried	Holmes	Parsons	Teague	
Denton	Keener	Proctor	Vacca	
Goodwin	Lemaster	Robertson	Weeks	
Hall				—20

*Nays:* Messrs.: Glass, Little and Taylor.

—3

## BILLS ON THE THIRD READING RESUMED

The Bill:

S. 515. To amend Section 40-17-78, Code of Alabama 1975, which provides for the distribution of proceeds from gasoline taxes, so as to provide further for said distribution.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Bailey	Goodwin	Lemaster	Robertson	
Barron	Hall	Little	Smith	
Britnell	Higginbotham	Martin	Taylor	
Figures	Hilliard	Parsons	Teague	
Glass	Holmes	Pearson	Vacca	
	Keener	Proctor		—22

*Nays:*

—0

## MESSAGE FROM THE GOVERNOR

To The Senate  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 105 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 28th day of April, 1981.

To The Senate  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 105 without my signature and approval and with the following suggested Executive Amendment.

On page 1 after the words "Enrolled, An Act," strike in its entirety the title of the bill and insert in lieu thereof the following:

"To amend the following sections of Title 41, Code of Alabama, 1975: Section 41-16-50, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount, and to provide certain exceptions thereto; and Section 41-16-107, relating to contracts for sale of certain state property; providing that the provisions of Article 5 at Sections 41-16-100 through 41-16-109, Code of Alabama, 1975, as amended, shall not apply to the sale or disposal of tangible personal property by the State Highway Department when the purchaser or recipient is a county governing body or municipal governing body of this state."

Further amend the bill on page 1 in Section 1 by striking the first two lines of said section and inserting in lieu thereof the following:

"Section 1. Sections 41-16-50 and 41-16-107, Code of Alabama, 1975 are hereby amended to read as follows:"

Further amend the bill on page 2 in Section 1-(a)-2 on the seventh line of subsection (i) after the words and punctuation "boards, park boards," by inserting the following:

"the Alabama State Fair Authority,"

Further amend the bill on page 3 in Section 1, after the last line in subsection "(ii)" by inserting the following:

"(iii) For the purposes of subsections (i) and (ii) above the term "instrumentalities of counties and municipalities" shall not include the county commission or municipal council, or municipal commission of the counties or municipalities of this state and the provisions of subsections (i) and (ii) above shall have no application whatsoever to the expenditure of funds or contracts entered into by said county or municipal governing bodies."

Further amend the Bill on page 4 in Section 1 after subsection "c" by inserting the following:

"§41-16-107.

"(a). The provisions of this article shall not apply to the sale of diseased, storm or fire-damaged timber, nor shall it apply to timber cut on rights-of-way or easements. Such timber may be sold in such manner as the Commissioner of Conservation and Natural Resources deems in the best interest of the state; provided, that no sale of diseased timber shall be made until the state forester shall certify that such timber is diseased, and such certification shall be in written form and filed with the director of finance."

Further amend the Bill on page 4 in Section 1 after subsection (c) by striking the parentheses and letter "(d)" and inserting in lieu thereof:

"(B)"

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. B. 105. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount; and to provide certain exceptions thereto.

which said amendment is set out in the foregoing Message from the Governor, by a vote of:

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	Robertson	
Barron	Gulledge	Lemaster	St. John	
Britnell	Hall	Parsons	Smith	
deGraffenried	Harrison	Pearson	Taylor	
Denton	Holmes	Proctor	Teague	
Figures				—20

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 105, as thus amended by the Executive amendment, was again read at length and passed, by a vote of:

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Figures	Keener	Proctor	
Barron	Glass	Lemaster	Smith	
Britnell	Gulledge	McDonald	Taylor	
Cook	Hall	Parsons	Teague	
deGraffenried	Harrison	Pearson	Vacca	
Denton	Holmes			—21

*Nays:* —0

which was a majority of the whole number elected to the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 120. To amend Act No. 80-658 of the 1980 Legislature of Alabama to authorize any banking corporation or trust company organized under the laws of this state to convert into and merge or consolidate with a national banking association without the approval of any state authority but with the consent of the holders of a majority in amount of its stock, to provide that stockholders' meetings for such purposes be called by resolution of the board of directors, to provide the procedure for notice or waiver of notice to stockholders of such meetings, to provide for the vesting in such national banking association of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such national banking association of all the rights, duties and obligations of such state banking corporation or trust company in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in respect to any executorship, trusteeship, administration of estate or other similar fiduciary relation, to provide that the rights of dissenting shareholders be governed by the applicable laws of Congress, to entitle dissenting shareholders to receive in cash the value of their shares in the state bank, to provide that any bank, whether a national or a state bank, surviving or resulting from a merger, conversion or consolidation (defined as a "reorganization") may, regardless of the county of location of the principal office of such bank, continue to maintain and operate all banking offices maintained and operated at the time of said reorganization and with appropriate regulatory approval, thereafter establish and operate additional banking offices in counties where banking offices are maintained at the time of the reorganization to the same extent that the bank which was a party to said reorganization could, under laws in effect at the time of the proposed establishment, have established additional banking offices had it not participated in such reorganization, to provide that this Act shall not be deemed to confer upon a bank resulting from or surviving a reorganization the right to establish additional banking offices which could not have been established by a bank which was a party thereto had such reorganization not occurred, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

was again taken up.

The question was on the Committee substitute, which said substitute is set out in the Journal of the Senate for the Twenty-Third Legislative Day.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Smith	
Callahan	Glass	Martin	Taylor	
Cook	Hall	Proctor	Teague	
deGraffenried	Holmes	Robertson	White	
Denton	Keener	St. John		—18

*Nays:* —0

And said Bill, S. B. 120, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Keener	Smith	
Bailey	Denton	Little	Taylor	
Britnell	Figures	Martin	Vacca	
Callahan	Glass	Proctor	White	
Cook	Holmes	Robertson		—18

*Nays:*

—0

## MOTION IN WRITING

Mr. deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 151, on page 121 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 151, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 82. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1980 session of the Legislature, with the exception of the Alabama Business Corporation Act (Act No. 80-633, H. 81, 1980 Regular Session), as contained in the 1980 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

was read a third time at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Glass	Holmes	Pearson	
Bailey	Goodwin	Keener	St. John	
Barron	Gulledge	Lemaster	Smith	
Callahan	Hall	Little	Taylor	
Cook	Harrison	Martin	Teague	
deGraffenried	Higginbotham	Parsons	Vacca	
Denton				—24

*Nays:*

—0

On motion of Mr. Martin, further consideration of the Bill, S. B. 141, was indefinitely postponed.

The Bill:

S. 93. To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and

distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and municipalities, municipal electric utility boards and public corporations owning or operating electric distribution systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, along with all income and property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following amendment to the Bill, S. B. 93, to-wit:

#### COMMITTEE AMENDMENT NO. 1 TO S. B. 93

Amend S. B. 93, page 7, line 26 by inserting "(a)" after the word "include" and amending page 7, line 32, by adding after "8(h)" the following:

"and (b) any undivided fractional interest in any electric generation facilities which, on or prior to January 1, 1981, were being used by a private utility to generate electricity for distribution pursuant to a certificate of convenience and necessity obtained from the Alabama Public Service Commission. For purposes of the preceding sentence, electric generation facilities shall not be deemed to include any facilities used in common with other separate generating units at a single generating plant."

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	St. John
Bailey	Gulledge	Lemaster	Taylor
Barron	Hall	Little	Teague
Callahan	Harrison	Martin	Vacca
Cook	Higginbotham	Proctor	Weeks
deGraffenried	Holmes	Robertson	White

—23

*Nays:*

—0

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the Bill, S. B. 93, as amended, to-wit:

#### COMMITTEE AMENDMENT NO. 2 TO S. B. 93, AS AMENDED

Amend S. B. 93, page 29, lines 36 and 37, by deleting the language contained within the parentheses and substituting therefor the following:

"(on sealed bid at public sale, unless the Board of Directors of the Authority shall certify to the Director of Finance of the State that, in the opinion of the Authority's advisors, with respect to a particular issue of Bonds proposed to be issued by the Authority, sale of the Bonds on sealed bid at public sale is not in the best interest of the Authority under then prevailing market conditions, in which case, and in which case only, the proposed particular issue of Bonds may be sold at private sale with the approval of the Director of Finance of the State)"

On motion of Mr. Cook, said amendment was laid on the table.

Mr. Cook then offered the following amendment to the Bill, S. B. 93, as amended, to-wit:

#### AMENDMENT TO S. 93, AS AMENDED

Amend S. 93 by striking the sentence beginning with the word "The" on page 31, line 37 and ending with the word "Authority" on page 32, lines 6-7 and substitute in lieu thereof the following:

"All bonds and other securities sold or issued by the Authority shall be sold or issued in the manner provided for by Section 11-81-11 and Section 11-81-12 Code of Alabama 1975; provided, however, that the Authority shall provide notice, in accordance with the procedures of Section 11-81-11 Code of Alabama 1975, in each Municipality which shall contract with the Authority for the purchase of electric power and energy and in each Municipality which shall have, prior to the date of the sale of issuance of the bonds or other securities, by proper resolution of its governing body, declared its intention to contract with the Authority."

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Little	St. John
Bailey	Goodwin	Martin	Taylor
Barron	Hall	Parsons	Vacca
Callahan	Harrison	Proctor	Weeks
Cook	Keener	Robertson	White

—19

*Nays:*

—0

The Standing Committee on Commerce, Transportation, and Utilities reported the following amendment to the Bill, S. B. 93, as amended, to-wit:

COMMITTEE AMENDMENT NO. 3 TO S. B. 93, AS AMENDED

Amend S. B. 93, page 44, line 7, by adding the following:

"Reductions in the cost of wholesale power determined by an independent certified public accountant employed by the Municipality in accordance with standard utility practice to have been realized through purchases from the Authority shall be utilized by the Municipality in reducing retail electric rates charged to its customers, provided that revenues received from the rates and charges imposed by the Municipality for retail electric service shall be sufficient to pay the rates and charges of the Authority and to pay all of the Municipality's ownership costs of its electric distribution system and meet the requirements with respect to the maintenance of rates and charges of any financing agreements, covenants, or other arrangements heretofore or hereafter entered into by and binding upon the Municipality and to pay and provide for those capital improvements reasonably necessary to provide adequate service to the Municipality's retail electric customers and to provide for the reasonable future expansion of the Municipality's electric distribution system. It is the intent of the Legislature that those Municipalities that enter into contracts with the Authority shall not use any part of the reductions in the costs of wholesale power realized by them for the purpose of making any payments to other public persons, in lieu of taxes or otherwise, unless and only to the extent the Municipality has, prior to entering into the contract with the Authority, incurred a binding obligation to make such payments."

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Barron	deGraffenried	Goodwin
Bailey	Callahan	Denton	Hall



Harrison  
Higginbotham  
Holmes  
Keener

Lemaster  
Little  
Parsons  
Proctor

Robertson  
St. John  
Taylor

Teague  
Weeks  
White

—21

*Nays:*

—0

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the Bill, S. B. 93, as amended, to-wit:

COMMITTEE AMENDMENT NO. 4 TO S. B. 93, AS AMENDED

Amend S. B. 93 by deleting Section 25 on Page 50, line 34 through page 51, line 10 in its entirety and substituting in lieu thereof the following:

"The Authority shall be subject to the provisions of Title 37, Code of Alabama 1975, and any subsequent statute or statutes of similar import. The Public Service Commission shall fix the rates and establish service regulations for the Authority in the same manner and pursuant to the same provisions as with other electric utilities regulated by the Public Service Commission. In fixing the rates of the Authority, in addition to the requirements of Section 37-1-80, Code of Alabama 1975, the Public Service Commission also shall consider the need to: (1) encourage conservation of energy supplied by the Authority, (2) encourage the optimization of the efficiency of use of facilities and resources and (3) promote equitable rates to electric consumers. The Public Service Commission shall promulgate accounting regulations for the Authority and such accounting regulations shall as closely as possible follow the accounting regulations and practices required to be used by investor owned electric utilities operating in this State.

The Public Service Commission shall prescribe minimum standards regarding the placement and construction of all power lines, substations and all related facilities used in the transmission or delivery of electricity which are owned and operated by the Authority and by each Municipality contracting with the Authority to purchase electricity from the Authority.

The issuance of securities or assumption of obligations by the Authority shall be governed by Sections 37-4-7 through 37-4-16, Code of Alabama 1975 or any successor provision

No plant, property or facility for production, transmission, delivery or furnishing of electricity shall be constructed by the Authority until the issuance by the Public Service Commission of a certificate of convenience and necessity. Prior to the issuance to the Authority of a certificate of convenience and necessity, in addition to all other requirements set forth under Section 37-4-28 Code of Alabama 1975, the Public Service Commission must find that the plants and facilities proposed by the Authority:

(a) are reasonably necessary to meet the anticipated need for power of the Municipalities with whom the Authority has contracts for service;

(b) would not result in creation of excess generating capacity on the system of other electric utilities within the state; and

(c) are in the public interest."

Which was adopted.

REGULAR SESSION  
24th Day

1115

Yeas 21; Nays 1.

*Yeas:*

Messrs.:	Harrison	Martin	Taylor
Barron	Higginbotham	Parsons	Teague
deGraffenried	Holmes	Proctor	Vacca
Goodwin	Keener	Robertson	Weeks
Gulledge	Lemaster	St. John	White
Hall	Little		

—21

*Nay:* Mr. Bailey. —1

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the Bill, S. B. 93, as amended, to-wit:

COMMITTEE AMENDMENT NO. 5 TO S. B. 93, AS AMENDED

Amend S. B. 93 by striking that part of Section 34 which begins with the word "that" on page 54, line 6 and ends with the word "effective" on page 54, lines 12-13 and substituting in lieu thereof the following:

"that if Section 7 hereof or any portion of Section 7 is held invalid or unconstitutional or if the payments in lieu of taxation provision set out in Section 7 is for any reason unenforceable then the entire Act shall be invalid and ineffective and shall not be law."

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Harrison	McDonald	Taylor
Bailey	Higginbotham	Parsons	Teague
Barron	Holmes	Proctor	Vacca
deGraffenried	Keener	St. John	Weeks
Goodwin	Lemaster	Smith	White
Hall	Little		

—21

*Nays:* —0

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the Bill, S. B. 93, as amended, to-wit:

COMMITTEE AMENDMENT NO. 6 TO S. B. 93, AS AMENDED

Amend S. B. 93 by adding at the end of Section 17 on page 44, line 22 the following subsection:

"(f) Guarantee of Obligations of Authority by Municipalities: Notwithstanding any other provision of this Act to the contrary, the governing body of any Municipality, contracting with the Authority with respect to any project or projects, including the governing body of any municipal corporation which has established a public corporation for operating of an electric

system, shall adopt an ordinance under which such municipal corporation will guarantee the performance by the Authority of its obligations under any agreement with other Persons for ownership of electric generation, transmission or distribution facilities and the construction, operation, maintenance or decommissioning of such facilities all as authorized pursuant to Section 8(j) of this Act. Any such guarantee by the municipal corporation shall be enforceable by any other Person having an ownership interest in the facilities and such guarantee shall not be subject to revocation, alteration or amendment by the municipal corporation without express approval of such other Person."

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	St. John
Bailey	Goodwin	Lemaster	Taylor
Barron	Hall	Little	Teague
Callahan	Harrison	Parsons	Vacca
deGraffenried	Higginbotham	Proctor	Weeks
Denton	Holmes	Robertson	White

—23

*Nays:*

—0

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the Bill, S. B. 93, as amended, to-wit:

#### COMMITTEE AMENDMENT NO. 7 TO S. B. 93, AS AMENDED

Amend S. B. 93 by changing the period after the letter (h) on page 7, line 32 to a semicolon and inserting after such semi-colon and before the word "Sales" on page 7 line 32 the following:

"nor shall the term "project" include any electric generating plant; bulk transmission facility or any other facility owned by any utility regulated by the Alabama Public Service Commission which was in operation or under construction on the effective date of this Act."

Further amend S. B. 93 by changing the period after the word "private" on page 24, line 15 to a semicolon and adding after such semicolon and before the word "With" on page 24, line 15 the following:

"provided, however, that the Authority shall not purchase or otherwise acquire any interest in any electric generating plant, bulk transmission facility or any other facility owned by any utility regulated by the Alabama Public Service Commission which was in operation or under construction on the effective date of this Act."

Which was adopted.

Yeas 20; Nays 1.

*Yeas:*

Messrs.:	deGraffenried	Glass	Hall
Barron	Denton	Goodwin	Harrison

REGULAR SESSION  
24th Day

1117

Higginbotham	Little	Robertson	Vacca
Holmes	Parsons	St. John	Weeks
Keener	Proctor	Smith	White
Lemaster			

—20

Nay: Mr. Bailey. —1

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the Bill, S. B. 93, as amended, to-wit:

COMMITTEE AMENDMENT NO. 8 TO S. B. 93, AS AMENDED

Amend S. B. 93 by inserting the following sentence before the sentence which begins with the word "With" on page 24 line 15:

"The Authority shall not purchase or otherwise acquire any interest in any electric generating plant, owned by any utility, regulated by the Alabama Public Service Commission, the construction of which is begun subsequent to the effective date of this Act, in excess of a pro rata share equal to the average load of the Municipalities to be served by the Authority compared to the total load of all entities owning an interest in such generating plant plus an additional amount equal to 5% of their pro rata share of such generating plant."

Which was adopted.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Hall	McDonald	Smith
Barron	Harrison	Parsons	Teague
deGraffenried	Higginbotham	Proctor	Vacca
Denton	Holmes	Robertson	Weeks
Glass	Keener	St. John	White
Gulledge	Little		

—21

Nay: Mr. Bailey. —1

Mr. Pearson offered the following amendment to the Bill, S. B. 93, as amended, to-wit:

AMENDMENT TO S. B. 93, AS AMENDED

Amend S. B. 93 by adding after the semicolon following the word "Liability" on page 29 line 35 the following:

"and provided further, however, that the Authority shall not hire or retain counsel or attorneys for the purpose of providing legal advice, professional or legal services, or legal opinions in connection with the issuance by the Authority of any Bonds, Bond Anticipation Notes or Notes, such legal advice, opinions or services shall be performed by the State attorney general."

The normal attorney fee shall be paid to the State Treasury for any such service required herein and rendered by the attorney general.

Which was adopted.

Yeas 19; Nays 1.

*Yeas:*

Messrs.:	Hall	Little	St. John
Barron	Harrison	Parsons	Smith
Cook	Higginbotham	Pearson	Teague
deGraffenried	Holmes	Proctor	Weeks
Glass	Keener	Robertson	White

—19

*Nay:* Mr. Bailey. —1

Mr. Callahan offered the following amendment to the Bill, S. B. 93, as amended, to-wit:

## AMENDMENT TO S. B. 93, AS AMENDED

Amend S. B. 93 by inserting after the word "which" on page 6 line 7 and before the word "owns" on page 6 line 8 the following:

"on the effective date of this Act, has established or purchased, and"

Further amend S. B. 93 by striking the word "causes" on page 6 line 8 and substituting in lieu thereof the words "has caused."

Which was adopted.

Yeas 17; Nays 1.

*Yeas:*

Messrs.:	Harrison	Little	Robertson
Barron	Higginbotham	Parsons	St. John
Callahan	Hilliard	Pearson	Smith
Goodwin	Holmes	Proctor	White
Hall	Keener		

—17

*Nay:* Mr. Bailey. —1

Mr. Callahan then offered the following amendment to the Bill, S. B. 93, as amended, to-wit:

## AMENDMENT TO S. B. 93, AS AMENDED

Amend S. B. 93 by adding at the end of Section 7 on page 23 line 5 the following:

"The Authority shall also pay a fee to the state in the amount of 2% of the gross receipts from all electric power sold by the Authority. The proceeds of such fee shall be paid and deposited to the Special Education Trust Fund."

Which was adopted.

Yeas 21; Nays 1.

*Yeas:*

Messrs.:	deGraffenried	Goodwin	Higginbotham
Barron	Denton	Hall	Holmes
Callahan	Glass	Harrison	Keener

REGULAR SESSION  
24th Day

1119

Little Parsons Proctor	Robertson St. John Smith	Taylor Teague	Weeks White	—21
<i>Nay:</i> Mr. Bailey.				—1

Mr. Teague offered the following amendment to the Bill, S. B. 93, as amended, to-wit:

AMENDMENT TO S. B. 93, AS AMENDED

Amend S. B. 93 by adding after the period following the word "derived" on page 43 line 12 the following sentence:

"Any contract between the Authority and a Municipality shall be sufficient to pay the rates and charges of the Authority and pay reasonable construction, maintenance and operating expenses of the Municipality's electric distribution system and that any and all other cost savings experienced by the Municipality as a result of its participation in or contract with the Authority shall be passed on to the Municipality's electric customers by means of lower electric rates; it being the intention of the legislature that those Municipalities which participate in or contract with the Authority shall not use any part of their electric revenues to pay for any Municipal improvements or services which are not directly associated with the Municipality's electric distribution system."

Which was adopted.

Yeas 21; Nays 1.

*Yeas:*

Messrs.: Barron Callahan deGraffenried Denton Glass	Goodwin Hall Harrison Higginbotham Holmes Keener	Little Martin Proctor Robertson St. John	Smith Taylor Teague Weeks White	—21
<i>Nay:</i> Mr. Bailey.				—1

And said Bill, S. B. 93, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 4.

*Yeas:*

Messrs.: Bailey Callahan deGraffenried Denton Glass	Goodwin Hall Harrison Higginbotham Hilliard Holmes	Keener Little Martin Parsons Proctor Robertson	St. John Smith Taylor Teague Weeks	—22
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*Nays:* Messrs.: Barron, Cook, Pearson and White. —4

Mr. Proctor moved that the Senate reconsider the vote by which the Bill, S. B. 93, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. J. R. 108. CITING WILLIE JONES OF EUFAÛLA, ALABAMA, FOR EXTRAORDINARY BRAVERY.

Also:

S. 132. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

Also:

S. 549. To authorize and provide for the promotion of the production, marketing, use and sale of cotton and cotton products by research, education, advertising and other methods; to prescribe a method whereby cotton producers may act jointly with handlers, ginnermen, buyers, processors, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the cotton producers of Alabama; to provide for the administration thereof by a commission, which is fairly and substantially representative of the producers of cotton throughout the state and to regulate the establishment of such commissions; to provide for collection and distribution of assessments; to require ginnermen of cotton to collect assessments levied under this act; and to prescribe other administrative, enforcement, promotional and penalty provisions.

Also:

S. 428. To make further provisions for the issuance of obligations by Alabama federal aid highway finance authority by amending article 10 of chapter 1 of Title 23 of the Code of Alabama of 1975 so as to provide for the issuance and use of proceeds of obligations of the authority for the purpose of anticipating and providing for not only the federal share of the cost of constructing interstate and defense highways but also for the purpose of anticipating and providing for the federal share of the costs of constructing state highways to the extent that the said highways constitute primary highways as defined in section 23-1-301; to delete the requirement that obligations be issued only for the purpose of providing funds to pay the federal share of the costs of constructing highway projects qualifying for reimbursement from the United States of America on a nine to one matching basis and to permit obligations of the authority to be issued and proceeds thereof to be expended for payment of any cost of constructing any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the said United States pursuant to the written agreement provided for in this article; to amend section 23-1-300 of the said Code so as to provide that obligations of

the authority shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending in 1978 through 1995 (rather than the federal fiscal years 1978 through 1983); to amend section 23-1-301 of the said Code by (i) permitting the issuance of temporary bonds in coupon form, (ii) amending the definition of bond to include refunding bonds issued to refund outstanding obligations, (iii) amending the definition of note by further defining a note as an obligation which recites on its face that it is issued in anticipation of the sale by the authority of bonds and which is payable to the order of a named payee, and (iv) further defining a temporary bond as an obligation issued by the authority which recites on its face that it is issued in anticipation of the sale by the authority of bonds; to amend section 23-1-307 of the said Code by (i) deleting the provision of the said section which provides that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on obligations issued by the authority, and (ii) providing that the authority may from time to time sell and issue refunding bonds for the purpose of refunding any then outstanding obligations of the authority and to provide that the provisions of the said section limiting the aggregate principal amount of bonds to \$212,000,000 shall not apply to refunding bonds; to extend from eight to fifteen years the maximum permissible maturity date of bonds; to delete the requirement of section 23-1-310 of said Code that the bonds be sold only at public sale and at a price at least equal to their face value and to provide that any obligation of the authority may be sold either at public or private sale and at such prices as may be deemed most advantageous by the board of directors, but that none of the obligations may be sold for a price less than 97% of their par or face value; to exempt all obligations issued by the authority from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of the code of Alabama of 1975; to amend section 23-1-313 of the said Code by (i) deleting the prohibition with respect to the use of the proceeds of obligations of the authority for payment of fees of fiscal agents or financial consultants, and (ii) providing that proceeds of refunding bonds may be used for payment of principal of and interest on any outstanding obligations of the authority and for payment of any redemption premium necessary in order to redeem or retire the said outstanding obligations; to amend section 23-1-314 of the said Code by (i) extending the period for which funds to be received by the state from the United States government may be pledged to the federal fiscal year ending in 1995, and (ii) providing that the said funds received from the federal government during any federal fiscal year should be set aside to pay not only those obligations of the authority which mature during such federal fiscal year but also any obligations which are subject to mandatory redemption by the authority during any such federal fiscal year; and to make certain other clarifying changes and to correct certain typographical errors.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.



## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 216. Relating to the manufacture of prescription drugs requiring the identification of drug products; providing for an exemption in the case of hardship; providing for the disclosure of descriptive information; providing for the adoption of rules; providing for an exemption for drug products compounded by a pharmacist in a pharmacy; providing an effective date.

Also:

H. 503. To promulgate "The Motor Vehicle Franchise Act" in order to provide for the regulation of motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

Also:

H. 527. To license and regulate grain dealers under the State Department of Agriculture and Industries; to require posting of bonds by dealers for the benefit of producers; to provide for inspection and investigation of grain dealers' operations and provide for hearings and suspension or revocation of grain dealers' licenses.

Also:

H. 737. To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by a majority vote of members attending a meeting called to consider conversion.

Also:

H. 809. To authorize the city of Tuscumbia to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Also:

H. J. R. 261. Relative to legislative meeting dates from Thursday, April 23 through Thursday, April 30, 1981.

Also:

H. J. R. 274. COMMENDING THE EFFORTS OF MARCH AGAINST CRIME IN ITS CRUSADE FOR SAFETY ON BEHALF OF THE CITIZENS OF ALABAMA.

Also:

H. J. R. 302. RECOGNIZING THE IMPORTANCE OF THE PORT OF MOBILE CUSTOMS OFFICE TO THE ECONOMIC HEALTH OF THE ALABAMA ECONOMY AND URGING THAT THIS GREAT SERVICE PROVIDED BY THE MOBILE CUSTOMS OFFICE BE CONTINUED AND NOT BE INCLUDED IN THE CUTS PLANNED BY THE PRESIDENT AND CONGRESS.

Also:

H. J. R. 307. COMMENDING MR. FRANK J. SEGO, PROMINENT MONTGOMERY CIVIC LEADER AND MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL EXCHANGE CLUB.

Also:

H. J. R. 308. DESIGNATING APRIL 26, 1981, AS VIETNAM VETERANS RECOGNITION DAY.

Also:

H. J. R. 309. DESIGNATING H. B. 223 AS "THE CLARK-PARSONS CONSUMER PROTECTION LAW."

Also:

H. J. R. 310. NAMING THE ADMINISTRATIVE BUILDING AT THE COUNCIL TRENHOLM STATE TECHNICAL COLLEGE, "LUCIOUS W. SMILEY HALL."

Also:

H. J. R. 312. INVITING MR. JIMMY BUFFETT TO APPEAR IN PERFORMANCE BEFORE THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 80-443, the report of the Interim Legislative Committee on Municipal Government in Alabama was read and ordered filed with the Secretary.

#### MOTION IN WRITING

Mr. Little offered the following Motion in Writing, to-wit:

I move that the rules be suspended and the Bill, S. B. 505, on page 98 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 505, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 240. To amend Section 5-5A-19, Code of Alabama 1975, which relates to the amount of reserve that a bank which is not a member of the Federal Reserve System is required to maintain and to repeal the provisions fixing minimum and maximum amount of required reserves.

was again taken up.

And said Bill, S. B. 240, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	deGraffenried	Holmes	Robertson	
Barron	Denton	Keener	Smith	
Britnell	Goodwin	Lemaster	Taylor	
Callahan	Gulledge	Little	White	
Cook	Hall	McDonald		—18

Nays:

—0

The Bill:

S. 459. To amend the "Hazardous Wastes Management Act of 1978" so as to enlarge and prescribe the remedies and civil and criminal penalties for contamination of groundwater or other violations of the Act or the rules and regulations promulgated thereunder and to require that operators of hazardous waste storage or treatment facilities and hazardous waste disposal sites must post bonds or provide other acceptable financial assurances payable to the State of Alabama conditioned upon compliance with the Act and the rules and regulations promulgated thereunder.

was taken up.

Mr. White offered the following amendment to the Bill, S. B. 459, to-wit:

### AMENDMENT TO S. B. 459

To amend Section 2 (i) of S. B. 459, P. 4, line 38 and p. 5, lines 4-10, to read as follows:

Shall upon conviction, be subject to a fine penalty of not more than \$25,000.00 for each day of violation; or to imprisonment not to exceed one year, or both which penalty may be recovered in a civil action in circuit court. If the conviction is for a violation committed after a first conviction of such person under this chapter, punishment shall be a fine After such person shall have once been adjudicated to have violated any provision of this subsection (i), such person shall be subject to a penalty of not more than \$50,000.00 per day of violation or by imprisonment of not more than two years, or by both in any subsequent adjudication of violation of the provisions of this subsection (i).

Also:

AMENDMENT TO S. B. 459

To amend Section 2 (j) of S. B. 459, p. 5, line 11 by deleting the word "knowingly" and substituting in lieu thereof the words "with criminal negligence".

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Holmes	Robertson	
Bailey	Denton	Keener	Smith	
Barron	Glass	Lemaster	Taylor	
Britnell	Goodwin	Little	White	
Cook	Hall	Martin		—18

*Nays:* —0

Mr. White then offered the following amendment to the Bill, S. B. 459, as amended, to-wit:

AMENDMENT TO S. B. 459, AS AMENDED

Amend S. B. 459 as follows:

On page 4, line 24, following the word "stores" insert the following:

"for more than 90 days".

Further amend S. B. 459 as follows:

On page 6, line 16, following the word "stores" insert the following:

"for more than 90 days".

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Holmes	Smith	
Bailey	Goodwin	Keener	Taylor	
Barron	Gulledge	Little	Vacca	
Cook	Hall	Martin	Weeks	
deGraffenried	Harrison	Robertson	White	—19

*Nays:* —0

And said Bill, S. B. 459, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Denton	Holmes	Robertson	
Bailey	Glass	Keener	Smith	
Barron	Goodwin	Lemaster	Taylor	
Callahan	Hall	Little	Vacca	
Cook	Harrison	Martin	White	
deGraffenried				—20
<i>Nays:</i>				—0

## RESOLUTION

Messrs. deGraffenried, Bailey, Barron, Britnell, Callahan, Cook, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, White offered the following Senate Joint Resolution, to-wit:

S. J. R. 174. MOURNING THE DEATH OF MR. FLOYD TATE OF BOAZ, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama notes the death of Mr. Floyd Tate of Boaz, Alabama, on April 27, 1981, at the age of 78; and

WHEREAS, Mr. Tate moved with his family to Boaz from Madison County and for almost four decades was actively involved as a leader in the religious, charitable and civic affairs of the Boaz community; and

WHEREAS, he was a charter member of the Huntsville Lions Club and was a longtime member of the Saint Paul Methodist Church of Boaz; and

WHEREAS, a former prominent Boaz businessman, Mr. Tate also was long active in the political affairs of our state, and had served as a member of the Marshall County Democratic Party, as well as committeeman, for some thirty years; and

WHEREAS, he and his beloved wife, who was the former Josephine Patterson, recently celebrated their 50th Wedding Anniversary; they were the parents of three children, one of whom, Mrs. Jill Mitchem, is the wife of our colleague, Senator Hinton Mitchem of Albertville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Floyd Tate of Boaz, Alabama, and extend our most heartfelt sympathy to his wife and children who shall be provided with copies of this resolution, evidencing our deeply shared sorrow in their great and grievous loss.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 419. To define and regulate self-service facilities; to provide for a lien on property stored in such facilities; and to provide for the enforcement of said lien.

was taken up.

Mr. White offered the following substitute for the Bill, S. B. 419, to-wit:

SUBSTITUTE FOR S. B. 419

A BILL  
TO BE ENTITLED  
AN ACT

To define and regulate self-service facilities; to provide for a lien on property stored in such facilities; and to provide for the enforcement of said lien.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the "Self-Service Storage Act."

Section 2. For purposes of this act, the following words and phrases shall have the respective meanings ascribed by this section:

(a) "Default" means the failure to perform in a timely manner any obligation or duty set forth in this act or the rental agreement.

(b) "Last known address" means that address provided by the occupant in the latest rental agreement or the address provided by the occupant in a subsequent written notice of a change of address.

(c) "Leased space" means the individual storage space at the self-service storage facility which is leased or rented to an occupant pursuant to a rental agreement.

(d) "Occupant" means a person or entity or his sublessee, successor, or assign, entitled to the use of a storage space at a self-service storage facility, under a written rental agreement with the owner, to the exclusion of others.

(e) "Owner" means the owner, operator, lessor, or sublessor of a self-service storage facility, his agent, or any other person authorized by him to manage the facility or to receive rent from an occupant under a rental agreement.

(f) "Personal property" means movable property not affixed to land and includes, but is not limited to, goods, merchandise, and household items.

(g) "Rental agreement" means any written agreement or lease which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy at a self-service storage facility and which contains a notice stating that all articles stored under the terms of such agreement will be sold or otherwise disposed of if no payment has been received for a continuous thirty-day period. Such agreement shall contain a provision directing the occupant to disclose any lienholders with an interest in property that is stored or will be stored in such self-service storage facility.

(h) "Self-service storage facility" means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such facility for the purpose of storing and removing personal property. No occupant shall use a self-service storage facility for residential purposes. A self-service storage facility is not a

public warehouse as used in Section 8-15-1 et seq., Code of Alabama 1975. If an owner issues any warehouse receipt, bill of lading, or other document of title for the personal property stored, the owner and the occupant are subject to the provisions of the Uniform Commercial Code, Section 7-7-101, et seq., Code of Alabama 1975, and the provisions of this act shall not apply.

Section 3. Unless the rental agreement specifically provides otherwise, the exclusive care, custody and control of any and all personal property stored in the leased space shall remain vested in the occupant; and the occupant shall bear all risks of loss or damage to such personal property.

Section 4. Lien. Where a rental agreement, as defined in Section 2, subsection (g) of this act is entered into between the owner and the occupant, the owner of a self-service storage facility and his heirs, executors, administrators, successors, and assigns shall have a lien upon all personal property located at a self-service storage facility for rent, labor, or other charges, present or future, in relation to the personal property and for expenses necessary for its preservation or expenses reasonably incurred in its sale or other disposition pursuant to this act. The lien attaches as of the date the personal property is brought to the self-service storage facility and continues so long as the owner retains possession and until the default is corrected, or a sale is conducted, or the property is otherwise disposed of to satisfy the lien. The lien provided for in this section is superior to any other lien or security interest, except for any tax lien as otherwise provided by law. Notice to perfected security interests under the Uniform Commercial Code, with the name of the occupant as debtor, is required before a sale.

Section 5. An owner's lien as provided for a claim which has become due may be satisfied as follows:

(a) No enforcement action shall be taken by the owner until the occupant has been in default continuously for a period of thirty days.

(b) Prior to taking enforcement action pursuant to this section, the owner shall determine whether a financing statement has been filed in accordance with the Uniform Commercial Code of Alabama, concerning the property to be sold or otherwise disposed of, with the Secretary of State, in the county where the self-service storage facility is located and in the county of the occupant's last-known address.

(c) After the occupant has been in default continuously for a period of thirty days, the owner may begin enforcement action if the occupant has been notified in writing. Said notice shall be delivered in person or sent by certified or registered mail to the last-known address of the occupant. Any lienholder with an interest in the property to be sold or otherwise disposed of, of whom the owner has knowledge either through the disclosure provision on the rental agreement or through finding a validly filed financing statement in the Secretary of State's office, shall be included in the notice process as provided in this section.

(d) The owner shall have the right to deny the occupant access to the leased space and the owner may enter and/or remove the personal property from the leased space to other suitable storage space pending its sale or other disposition.

(e) The notice required by this section shall include:

(i) An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;

(ii) A brief and general description of the personal property subject to the lien. Such description shall be reasonably adequate to permit the person notified to identify such property; except that any container including, but not limited to, a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents.

(iii) A notification of denial of access to the personal property, if such denial is permitted under the terms of the rental agreement, which notification shall provide the name, street address, and telephone number of the owner or his designated agent whom the occupant may contact to respond to such notification;

(iv) A demand for payment within a specified time, not less than fifteen days after delivery of the notice;

(v) A conspicuous statement that, unless the claim is paid within the time stated in the notice, the personal property will be advertised for sale or other disposition and will be sold or otherwise disposed of at a specified time and place.

(f) Any notice made pursuant to this section shall be presumed delivered when it is deposited with the United States postal service and properly addressed with postage prepaid.

(g) After the expiration of the time given in the notice, an advertisement of the sale or other disposition shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county where the self-service storage facility is located. The advertisement shall include:

(i) A brief and general description of the personal property reasonably adequate to permit its identification as provided in subparagraph (ii) of paragraph (d) of this section; the address of the self-service storage facility and the number, if any, of the space where the personal property is located; and the name of the occupant and his last-known address;

(ii) The time, place, and manner of the sale or other disposition. The sale or other disposition shall take place not sooner than fifteen days after the first publication.

(h) If there is no newspaper of general circulation in the county where the self-service storage facility is located, the advertisement shall be posted at least ten days before the date of the sale or other disposition in not less than six conspicuous places in the neighborhood where the self-service storage facility is located.

(i) Any sale or other disposition of the personal property shall conform to the terms of the notification as provided for in this section.

(j) Any sale or other disposition of the personal property shall be held at the self-service storage facility or at the nearest suitable place where the personal property is held or stored. The property may be sold singly, in lots, or as a whole. Bids may be sealed or open.

(k) Before any sale or other disposition of personal property pursuant to this section, the occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section and thereby redeem the personal property. Upon receipt of such payment, the owner shall return the personal property, and thereafter the owner shall have no liability to any person with respect to such personal property.



(l) A purchaser in good faith of the personal property sold to satisfy a lien as provided in this act takes the property free of any rights of persons against whom the lien was valid, despite noncompliance by the owner with the requirements of this section.

(m) In the event of a sale under this section, the owner may satisfy his lien from the proceeds of the sale. The lien rights of secured lienholder(s) are automatically transferred to the remaining proceeds of the sale. If the sale is made in good faith and is conducted in a commercially reasonable manner, the owner shall not be subject to any liability for a deficiency if the amount realized sale does not satisfy any secured lien, but shall hold the balance, if any, for delivery to the occupant, lienholder, or other person in interest. If the occupant, lienholder, or other person in interest does not claim the balance of the proceeds within three years of the date of sale, it shall become the property of the owner without further recourse by the occupant, lienholder, or other person in interest.

(n) If the requirements of this act are not satisfied, if the sale of the personal property is not in conformity with the notice of sale, or if there is a willful violation of this act, nothing in this section affects the rights and liabilities of the owner, occupant or any other person.

Section 6. Each owner acting pursuant to this act shall keep posted in a prominent place in his office at all times a notice which shall read as follows:

"All articles stored by a rental agreement, and charges not having been paid for thirty days, will be sold or otherwise disposed of to pay charges."

Section 7. Nothing in this act shall be construed as in any manner impairing or affecting the right of the parties to create additional rights, duties, and obligations in and by virtue of the rental agreement. The rights provided by this act shall be in addition to all other rights allowed by law to a creditor against his debtor.

Section 8. The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against his debtor and by a landlord against his tenant.

Section 9. The provisions of this act shall apply to all rental agreements entered into or extended or renewed after the effective date of this act.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Hall	Parsons	Weeks
Cook	Holmes	Robertson	White
Denton	Keener		

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Nays: —0

And said Bill, S. B. 419, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Taylor
Bailey	Hall	Little	Vacca
Barron	Higginbotham	Martin	Weeks
Cook	Holmes	Parsons	White
Glass	Keener	Smith	

—18

Nays: —0

MOTION TO ADJOURN

Mr. Holmes moved that when the Senate adjourns today, it adjourn until Wednesday, April 29, 1981, at 1:30 P. M., which motion was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 417. To amend Section 2-7-7, Code of Alabama 1975, which Section relates to a payment by the Alabama Agricultural and Industrial Exhibit Commission to the South Alabama State Fair Association for premiums, awards and prizes given at said Fair to exhibitors of cattle, sheep, goats, hogs, agricultural shows or exhibits, fine art shows, exhibits for 4-H Clubs, Future Farmers of America, and Future Homemakers of America, poultry and other types of exhibits so as to remove a limitation of \$10,000.00 which the said Section imposes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Robertson
Bailey	Goodwin	Keener	Smith
Barron	Hall	Lemaster	Taylor
Cook	Harrison	Little	Vacca
deGraffenried	Higginbotham	Martin	Weeks

—19

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. B. 97. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in

Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$70.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure and require all members of the board to be licensed auctioneers.

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 439. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 439, to-wit:

### COMMITTEE AMENDMENT TO S. B. 439

Amend S. B. 439 on page 1, Section 1, line 22, following the word "employees" by inserting the following:

"resulting from the 1980-81 Pay and Classification Study."

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Figures	Keener	Taylor	
Bailey	Glass	Little	Teague	
Cook	Goodwin	Martin	Weeks	
deGraffenried	Hall	Parsons	White	
Denton	Harrison	Robertson		—18

*Nays:*

—0

Mr. St. John moved that further consideration of the Bill, S. B. 439, as amended, be postponed until the next Legislative Day.

On motion of Mr. Keener, said motion was laid on the table.

Yeas 15; Nays 7.

*Yeas:*

Messrs.:	Denton	Higginbotham	Little	
Bailey	Figures	Hilliard	Parsons	
Barron	Hall	Holmes	Taylor	
deGraffenried	Harrison	Keener	Weeks	

—15

*Nays:*

Messrs.:	Cook	Goodwin	Smith
Callahan	Glass	St. John	White

—7

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 105. To amend the following sections of Title 41, Code of Alabama, 1975: Section 41-16-50, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount, and to provide certain exceptions thereto; and Section 41-16-107, relating to contracts for sale of certain state property; providing that the provisions of Article 5 at Sections 41-16-100 through 41-16-109, Code of Alabama, 1975, as amended, shall not apply to the sale or disposal of tangible personal property by the State Highway Department when the purchaser or recipient is a county governing body or municipal governing body of this state.

by a majority of those voting, said vote being Yeas 59, Nays 0

And said Bill, as amended by the Executive amendment, was again read at length and passed by a majority of those voting, said vote being Yeas 62, Nays 0

And said Bill, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

MOTION TO ADJOURN LOST

At 5:35 P. M., Mr. St. John moved that the Senate adjourn until Wednesday, April 29, 1981, at 1:30 P. M., which motion was lost.

Yeas 7; Nays 17.

*Yeas:*

Messrs.:	Cook	Robertson	Smith
Callahan	Hall	St. John	White

—7

*Nays:*

Messrs.:	Glass	Keener	Taylor
Bailey	Harrison	Little	Teague
Barron	Higginbotham	Martin	Vacca
deGraffenried	Hilliard	Parsons	Weeks.
Denton	Holmes		

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FURTHER CONSIDERATION OF S. B. 439

The Senate proceeded to further consideration of the Bill, S. B. 439, as amended.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 537. To make further provisions for the issuance of obligations by the Alabama Highway Finance Corporation by amending Article 7 of Chapter 1 of Title 23 of the Code of Alabama, 1975, as amended, so as to exempt all obligations issued by the Corporation from the laws of the State governing usury or prescribing or limiting interest rates including but without limitation to the provisions of Chapter 8 of Title 8 of the Code of Alabama, 1975.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 97. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975, which certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$70.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure and require all members of the board to be licensed auctioneers.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MOTIONS IN WRITING

Mr. Harrison offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 474, on page 109 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 474, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 374, on page 121 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 374, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Bailey then offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 239, on page 24 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 239, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Bailey then offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 237, on page 126 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 237, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Denton offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 473, on page 108 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 473, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Cook offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 49, on page 8 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 49, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 194, on page 50 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 194, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Gulledge offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 25, on page 86 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 25, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Gulledge then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 520, on page 88 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 520, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Gulledge then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 424, on page 108 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 424, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Gulledge then offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 585, on page 109 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 585, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Britnell offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 174, on page 67 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 174, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### FURTHER CONSIDERATION OF S. B. 439

The Senate proceeded to further consideration of the Bill, S. B. 439, as amended.

#### MOTION TO ADJOURN LOST

At 6:05 P. M., Mr. St. John, moved that the Senate adjourn until Wednesday, April 29, 1981, at 1:30 P. M., which motion was lost.

Yeas 8; Nays 13.

*Yeas:*

Messrs.: Britnell Callahan	Cook Goodwin	Robertson St. John	Smith White	—8
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*Nays:*

Messrs.: Bailey Barron deGraffenried Harrison	Higginbotham Hilliard Holmes Keener	Little Martin McDonald	Parsons Taylor	—13
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### MOTION IN WRITING

Mr. Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 409, on page 115 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the State ordered said Bill, H. B. 409, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 197. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U. S. C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use plannign and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

by a majority of those voting, said vote Yeas 65, Nays 4

And said Bill, as amended by the Executive amendment, was again read at length and passed by a majority of those voting, said vote being Yeas 70, Nays 2



And said Bill, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 550. To provide that the board of Trustees of the University of Alabama, at its discretion, may continue the employment of employees 70 years of age or older; and to repeal conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Whatley:

H. 593. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$3,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations for the purpose of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Also:

By Reps. McKee, Grouby, Wyatt, Langford and Venable:

H. 652. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 593. To the Committee on Finance and Taxation.

H. B. 652. To the Committee on Governmental Affairs

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Bedsole, Roberts, Dixon and Johnson (R. G.):

H. 515. To amend Section 22-14-16 of the Code of Alabama 1975, relating to the prohibition of storing, depositing or dumping nuclear spent fuel or other radioactive waste which is generated outside Alabama, so as to provide for the exception of such material or waste used in Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 515. To the Committee on Health and Welfare

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cosby:

H. 758. To amend Section 40-23-4, Code of Alabama 1975, which provides for exemptions from sales taxation, so as to include aircraft manufactured and sold, but not domiciled in the State within the exemption.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 758. To the Committee on Finance and Taxation

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Cooley and Bowling (with notice and proof):

H. 927. Relating to Cullman County; to levy and collect additional special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975 as amended; to amend the rates of tax levied on the categories of automotive vehicles, farm machinery, and manufacturing machines in Act No. 66, Second Special Session 1963 and Act No. 30, Special Session 1975; providing for the collection and enforcement of such taxes by the State Revenue Department; providing for the distribution and use of the proceeds, providing penalties for violations of this Act; and repealing a sales and use tax heretofore levied and collected by the City of Cullman.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 927, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 927. To the Committee on Local Legislation No. 1

## FURTHER CONSIDERATION OF S. B. 439

The Senate proceeded to further consideration of the Bill, S. B. 439, as amended.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 337. To amend Section 20-2-93, Code of Alabama 1975, relating to forfeitures and seizures of property and vehicles used in violation of the Alabama Controlled Substances Act so as to provide for the sale of such property and vehicles and to further provide for the use and disposition of the proceeds from the sale of forfeited property.

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was again taken up.

And said Bill, H. B. 337, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	St. John
Bailey	Hall	Lemaster	Smith
Barron	Harrison	Little	Taylor
Britnell	Higginbotham	Martin	Weeks
Cook	Holmes	Parsons	White
deGraffenried			

—20

*Nays:*

—0

FURTHER CONSIDERATION OF S. B. 439

The Senate proceeded to further consideration of the Bill, S. B. 439, as amended.

ADJOURNMENT

At 6:35 P. M., on motion of Mr. Keener, in accordance with motion and Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 439, the Senate adjourned until Wednesday, April 29, 1981, at 1:30 P. M.

# TWENTY-FIFTH LEGISLATIVE DAY

WEDNESDAY, APRIL 29, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend, Doctor Felix E. James, Pastor, Hall Street Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Robertson
Bailey	Goodwin	Lemaster	St. John
Barron	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Callahan	Harrison	McDonald	Teague
Cook	Higginbotham	Parsons	Vacca
deGraffenried	Hilliard	Pearson	Weeks
Denton	Holmes	Proctor	White
Figures	Keener		

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## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fourth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Miller and Mitchem for today.

## RESOLUTION

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 175. HONORING MR. TOMMY GOFF OF AUBURN, ALABAMA.

WHEREAS, The Alabama Legislature, in pleased concurrence, notes the designation of May 15, 1981, as "Tommy Goff Day" in Auburn, Alabama, in expression of gratitude to Mr. Goff for his dedicated tenure of almost 25 years as Director of Music at Auburn High School; and

WHEREAS, a native Mobilian, Mr. Goff is a graduate of Murphy High School, of Auburn University with a Master's Degree in Music Education, and he has completed additional studies toward his Doctorate at Florida State University; and

WHEREAS, Mr. Goff, in addition to teaching Music Theory courses, also directs the Marching, Symphonic, Concert, Beginner and Laboratory (Jazz) Bands at Auburn High School; and

WHEREAS, his Symphonic Bands have received 23 Superior Ratings at State Band Contests over the past 24 years; his Marching Bands have participated in several Gubernatorial Inaugural Parades, at the Senior Bowl in Mobile, and at the Falcons' and Braves' games in Atlanta as well as at numerous sporting events at Auburn University; and his Jazz Bands have been rated "Superior" in every contest entered and won many prestigious awards such as the Sweepstakes Trophy at the Loyola Jazz Festival; and

WHEREAS, most recently, Mr. Goff's Jazz Band has attended the Loyola, Columbus and Dogwood Jazz Festivals, winning "Superior" ratings and trophies, and the Symphonic Band has won "Superior" ratings at the Dogwood Arts Festival where the Marching Band also appeared in-parade; and

WHEREAS, a member and Sunday School teacher at Auburn United Methodist Church, Mr. Goff also is a member of and has held office in numerous professional and honorary associations; he also is responsibly involved in many community and civic affairs and has won several outstanding awards such as the Citizenship Citation of the Auburn Civitan Club and the Service Award from the Auburn Kiwanis Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Tommy Goff on his outstanding career and express our gratitude for his dedicated service to Auburn High School.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Goff, that he may know of our sincere praise and high regard.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

#### LOCAL BILLS ON THIRD READING

The Bill:

S. 596. Relating to taxation in Cullman County; levying an additional sales tax paralleling the state sales tax provided for in Section 40-23-1 through 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and repealing a sales tax heretofore levied and collected by the City of Cullman.

was taken up.

On motion of Mr. St. John, further consideration of the Bill, S. B. 596, was postponed until the Twenty-Seventh Legislative Day.

The Bill:

S. 609. To alter, rearrange and extend the boundary line and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 609, to-wit:

#### COMMITTEE AMENDMENT NO. 1 TO S. B. 609

On page 2, after Section 2, insert the following language:

The following territory is excluded from the operation of this act, to-wit:

From the southeast corner of Section 21, Township 20 North, Range 26 East, go thence 1,320.2 feet to an iron pin which marks the point of beginning of the property here intended to be described. From said point of beginning, go thence South 86° 44' West for 1,319.8 feet to an iron pin for a point; thence North 04° 01' West for 660.05 feet to a point; thence North 86° 44' East for 1,328.44 feet to a point; go thence South 03° 16' East for 660.0 feet to said point of beginning.

The above described property is located in Southeast Quarter of Section 21, Township 20 North, Range 26 East, Lee County, Alabama, and contains 20.06 acres, more or less.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	St. John
Bailey	Goodwin	Little	Smith
Barron	Gulledge	McDonald	Teague
Callahan	Hall	Parsons	Vacca
Cook	Higginbotham	Pearson	Weeks
Denton	Holmes	Proctor	White
Figures	Keener		

—25

*Nays:*

—0

The Standing Committee on Local Legislation No. 1 then reported the following amendment to the Bill, S. B. 609, as amended, to-wit:

#### COMMITTEE AMENDMENT NO. 2 TO S. B. 609, AS AMENDED

On page 2, after Section 2, insert the following language:

The following territory is excluded from the operation of this act, to-wit:

From the Southeast corner of Section 21, Township 20 North, Range 26 East, go thence South 86° 44' West for 660.0 feet to an iron pin which marks the point of beginning of the property here intended to be described. From

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said point of beginning, run thence South 86° 44' West for 660.2 feet to an iron pin for a point; run thence North 03° 16' West for 630.0 feet to an iron pin for a point; run thence North 86° 44' East for 660.2 feet to an iron pin for a point; run thence South 03° 16' East for 630.0 feet to said point of beginning.

The above described property is located in the Southeast Quarter of Section 21, Township 20 North, Range 26 East, Lee County, Alabama and contains 9.55 acres, more or less.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	St. John
Bailey	Goodwin	Little	Smith
Barron	Gulledge	McDonald	Teague
Callahan	Hall	Parsons	Vacca
Cook	Higginbotham	Pearson	Weeks
Denton	Holmes	Proctor	White
Figures	Keener		—25

*Nays:* —0

And said Bill, S. B. 609, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	St. John
Bailey	Goodwin	Little	Smith
Barron	Gulledge	McDonald	Teague
Callahan	Hall	Parsons	Vacca
Cook	Higginbotham	Pearson	Weeks
Denton	Holmes	Proctor	White
Figures	Keener		—25

*Nays:* —0

RESOLUTION

Messrs. Little, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 176. MOURNING THE DEATH OF MR. JAMES R. RAIFORD OF MONTGOMERY, ALABAMA.

WHEREAS, the Alabama Legislature grievously notes the death of Mr. James R. Raiford of Montgomery, Alabama, on April 29, 1981, at the age of 46; and

WHEREAS, Mr. Raiford, who was educated in the public schools of his native Clay County, was a graduate of Auburn University with a B. S. Degree in Business Administration, and he had been an employee of the State of Alabama for more than 20 years; and



WHEREAS, Mr. Raiford's first state employment was with the Office of Examiners of Public Accounts, from 1960 until 1971, at which time he transferred to the Budget Office as an Examiner II; and

WHEREAS, while serving in such capacity, Mr. Raiford was appointed Acting Budget Officer in October 1975, to assume permanent office in January 1976; and

WHEREAS, Jimmy Raiford, who was a member of the First Baptist Church of Ashland, was also a member and past president of the National Association of State Budget Officers; and

WHEREAS, during his exemplary service with the State of Alabama, Mr. Raiford earned the admiration and respect of this body, most particularly for his accomplished tenure as State Budget Officer during which time he was of invaluable assistance on numerous occasions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of our friend, James R. Raiford, and extend our most heartfelt sympathy to all members of his family to whom a copy of this resolution shall be sent.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

#### LOCAL BILLS ON THIRD READING RESUMED

##### The Bill:

S. 636. Relating to Marshall County, to amend Act 197, H. 439, Regular Session 1975, (Acts 1975, p. 682), so as to provide that the board of education may set the superintendent of education expense allowance; to repeal certain acts in conflict.

was taken up.

On motion of Mr. Martin, further consideration of the Bill, S. B. 636, was postponed temporarily.

##### The Bill:

S. 640. To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

##### Yeas:

Messrs.:	Goodwin	Little	Smith
Bailey	Hall	Martin	Taylor
Britnell	Higginbotham	Parsons	Teague
Callahan	Hilliard	Pearson	Vacca
deGraffenried	Keener	Proctor	Weeks
Denton	Kirkland	St. John	White
Glass	Lemaster		

—25

##### Nays:

—0

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The Bill:

H. 711. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Steele in St. Clair County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Proctor
Bailey	Gulledge	Lemaster	St. John
Britnell	Hall	Little	Smith
Callahan	Harrison	Martin	Teague
deGraffenried	Higginbotham	McDonald	Weeks
Figures	Hilliard	Parsons	White
Glass	Holmes		

—25

*Nays:* —0

The Bill:

H. 857. Relating to Limestone County; providing expense allowances and compensation for certain county officials.

was read third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Proctor
Bailey	Gulledge	Lemaster	St. John
Britnell	Hall	Little	Smith
Callahan	Harrison	Martin	Teague
deGraffenried	Higginbotham	McDonald	Weeks
Figures	Hilliard	Parsons	White
Glass	Holmes		

—25

*Nays:* —0

The Bill:

H. 906. Relating to Tallapoosa County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	Proctor
Barron	Goodwin	Kirkland	St. John
Britnell	Gulledge	Little	Taylor
Cook	Hall	McDonald	Teague
deGraffenried	Harrison	Parsons	Vacca
Denton	Hilliard	Pearson	White
Figures	Holmes		

—25

*Nays:* —0

The Bill:

H. 957. Relating to Perry County; to amend further Section 1 of Act No. 348, H. 868, Regular Session 1969 (Acts 1969, p. 720), relating to a clerk hire allowance and expenses of the tax assessor and tax collector, so as to provide for an additional clerk for the tax assessor.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	Proctor	
Barron	Goodwin	Kirkland	St. John	
Britnell	Gulledge	Little	Taylor	
Cook	Hall	McDonald	Teague	
deGraffenried	Harrison	Parsons	Vacca	
Denton	Hilliard	Pearson	White	
Figures	Holmes			—25

*Nays:*

—0

The Bill:

H. 970. Relating to Lowndes County; fixing the fee for issuance of a pistol permit fee by the sheriff; providing for the distribution and use of such fees; and to repeal Act No. 119, H. 108 (Acts of Alabama 1969, p. 190), Regular Session 1969, as amended, and all other laws or parts of laws in conflict herewith.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	Proctor	
Bailey	Goodwin	Little	St. John	
Britnell	Gulledge	Martin	Taylor	
Cook	Harrison	McDonald	Vacca	
deGraffenried	Higginbotham	Parson	Weeks	
Denton	Hilliard	Pearson	White	
Figures	Keener			—25

*Nays:*

—0

The Bill:

H. 971. Relating to Randolph County; providing further for an expense allowance for the county commission of said county.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Callahan	Figures	Gulledge
Bailey	deGraffenried	Glass	Hall
Britnell	Denton	Goodwin	Harrison

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Higginbotham	McDonald	St. John	Teague	
Holmes	Parsons	Smith	Weeks	
Kirkland	Pearson	Taylor	White	
Little	Proctor			—25

*Nays:* —0

The Bill:

H. 972. Relating to county health officers or administrators in Randolph County; authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	Proctor	
Bailey	Goodwin	Kirkland	St. John	
Barron	Gulledge	Little	Smith	
Callahan	Hall	McDonald	Taylor	
Cook	Harrison	Parsons	Vacca	
Denton	Higginbotham	Pearson	Weeks	
Figures	Hilliard			—25

*Nays:* —0

The Bill:

H. 979. To propose an amendment to the Constitution of Alabama of 1901 relating to Lauderdale County that would empower each local school tax district within the Lauderdale County school district in said county, when authorized at an election therein, to levy and collect a special district school tax not exceeding ten mills on the assessed valuation of the taxable property in such district for public school purposes in such district, and conferring upon the county board of education of said county the power under some circumstances and without an election to change the boundaries of any local school tax district in said county or consolidate any two or more local school tax districts therein.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	St. John	
Bailey	Goodwin	Little	Smith	
Barron	Hall	Martin	Taylor	
Britnell	Higginbotham	McDonald	Vacca	
Callahan	Hilliard	Parsons	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25

*Nays:* —0

The Bill:

S. 402. Relating to Mobile County, the Probate Judge shall not receive for record or permit the recording of any instrument, conveying title or any interest in real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	Martin	Smith
Barron	Hall	McDonald	Teague
Callahan	Hilliard	Parsons	Vacca
deGraffenried	Holmes	Pearson	Weeks
Figures	Keener	Proctor	White
Glass	Kirkland		

—25

*Nays:*

—0

The Bill:

S. 403. To authorize the Tax Assessor of Mobile County to establish a certain salary schedule for all appointed positions in that office.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 403, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 403

#### A BILL TO BE ENTITLED AN ACT

To authorize the Tax Assessor of Mobile County to establish a certain salary schedule for all appointed positions in that office.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Assessor of Mobile County is hereby authorized to set the salaries of all appointed (non-merit system) personnel employed in the Tax Assessor's Office of Mobile County in the following manner.

The range for the position presently known as Chief Clerk to the Tax Assessor shall be:

Step 1	\$1824 per month
Step 2	\$1916 per month
Step 3	\$2011 per month
Step 4	\$2112 per month
Step 5	\$2218 per month
Step 6	\$2328 per month
Step 7	\$2445 per month

Step 1 shall become effective on the next anniversary date of the person holding the position of Chief Clerk to the Tax Assessor of Mobile County, when accompanied by written notice and recommendation of the Tax Assessor. The Tax Assessor of Mobile County is hereby required to follow the numerical sequence of one, two, three, four, five, six and seven. The Tax Assessor shall not deviate from this numerical sequence in his recommendation for salary increases regarding the position of Chief Clerk to the Tax Assessor.

The range for the position presently known as Executive Secretary to the Tax Assessor shall be:

Step 1	\$1066 per month
Step 2	\$1120 per month
Step 3	\$1176 per month
Step 4	\$1235 per month
Step 5	\$1297 per month
Step 6	\$1361 per month
Step 7	\$1429 per month

Step 1 shall become effective on the next anniversary date of the person holding the position of Executive Secretary to the Tax Assessor of Mobile County, when accompanied by written notice and recommendation of the Tax Assessor. Should either the position of Chief Clerk to the Tax Assessor or Executive Secretary to the Tax Assessor be vacant at passage of this bill or become vacant subsequent to passage of this bill, the newly appointed Chief Clerk to the Tax Assessor or Executive Secretary to the Tax Assessor shall receive a salary which is recommended by the Tax Assessor to the budgeting authority, however, in no case shall such recommendation exceed that amount listed in Step 1 of the schedule relating to the positions of Chief Clerk to the Tax Assessor and Executive Secretary to the Tax Assessor. The Tax Assessor of Mobile County is hereby required to follow the numerical sequence of one, two, three, four, five, six and seven. The Tax Assessor shall not deviate from this numerical sequence in his recommendation for salary increases regarding the position of Executive Secretary to the Tax Assessor.

Section 2. When an across the board cost of living increase is granted to merit system employees of Mobile County, the positions of Chief Clerk to the Tax Assessor of Mobile County and Executive Secretary to the Tax Assessor of Mobile County shall be automatically granted such increases. The steps listed above for Chief Clerk and Executive Secretary to the Tax Assessor of Mobile County shall be adjusted when cost of living increases are granted in the same manner as merit system salary ranges are adjusted by the Mobile County Personnel Board.

Section 3. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Barron	deGraffenried	Glass
Bailey	Callahan	Figures	Gulledge

Hall	Lemaster	Pearson	Teague
Harrison	Little	Proctor	Vacca
Higginbotham	Martin	St. John	Weeks
Holmes	McDonald	Taylor	White
Keener	Parsons		

—25

*Nays:* —0

And said Bill, S. B. 403, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	Martin	Taylor
Barron	Harrison	McDonald	Teague
Callahan	Higginbotham	Parsons	Vacca
deGraffenried	Holmes	Pearson	Weeks
Figures	Keener	Proctor	White
Glass	Lemaster		

—25

*Nays:* —0

The Bill:

S. 628. To propose an amendment to the Constitution of Alabama with respect to the filling of vacancies in the office of judge of the circuit court and the office of judge of the district court of Mobile County.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	Smith
Bailey	Hall	McDonald	Taylor
Barron	Harrison	Parsons	Teague
Callahan	Higginbotham	Pearson	Vacca
deGraffenried	Holmes	Proctor	Weeks
Figures	Keener	St. John	White
Glass	Little		

—25

*Nays:* —0

The Bill:

H. 14. To amend Section 2 of Act No. 929, H. 1365, 1961 Regular Session (Acts 1961, p. 1487), relating to the Mobile Tree Commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Barron	deGraffenried	Glass
Bailey	Callahan	Figures	Gulledge

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Hall	Little	Proctor	Teague	
Harrison	Martin	St. John	Vacca	
Higginbotham	McDonald	Smith	Weeks	
Holmes	Parsons	Taylor	White	
Keener	Pearson			—25

*Nays:* —0

The Bill:

H. 627. To provide for fees, to set fees, to establish the method of collection, and to provide for the disbursement of fees for the Sheriff of Mobile County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Smith	
Bailey	Hall	Little	Taylor	
Barron	Harrison	McDonald	Teague	
Callahan	Hilliard	Parsons	Vacca	
deGraffenried	Holmes	Pearson	Weeks	
Figures	Keener	St. John	White	
Glass	Kirkland			—25

*Nays:* —0

The Bill:

H. 628. To establish a Sheriff's filing fee on all civil and criminal cases filed in Mobile County, Alabama, and to provide for the collection and disbursement of said fee.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Smith	
Bailey	Hall	Little	Taylor	
Barron	Higginbotham	McDonald	Teague	
Callahan	Hilliard	Parsons	Vacca	
Denton	Holmes	Pearson	Weeks	
Figures	Keener	St. John	White	
Glass	Kirkland			—25

*Nays:* —0

The Bill:

H. 629. To provide for supplementing the salaries or compensation paid to certain semiretired or retired district judges in the 13th Judicial Circuit.

was read a third time at length and passed.



Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith	
Bailey	Hall	Little	Taylor	
Barron	Higginbotham	McDonald	Teague	
Callahan	Hilliard	Parsons	Vacca	
deGraffenried	Holmes	Proctor	Weeks	
Figures	Keener	St. John	White	
Glass	Kirkland			—25

Nays:

—0

## REPORTS OF COMMITTEES

Mr. Bailey, Acting Chairman of the Standing Committee on Agriculture, Conservation and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. McMillan, Penry, Hines, Turner, Stewart, Parker, Cosby, Mitchell, Cobb, Zoghby and Harper (T):

H. 586. To provide that the conservation advisory board shall have the power to promulgate rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of airboats on any of the public waters of this state that are affected by the tide; and to provide for penalties for violations.

By Messrs. Callahan and Gulledge:

S. 614. To amend Section 9-17-64, Code of Alabama 1975, which provides for pooling or unitization agreements or amendments to leases to provide for pooling or unitization agreements, so as to provide for further such amendments.

By Mr. Mitchem:

S. 627. To amend Sections 2-8-161, 2-8-170 and 2-8-171, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect and remit an assessment upon the sale of hens; to provide penalties to be imposed against sellers for failure or refusal to collect and remit assessments and to have their books examined; to provide for the issuance of permits to sellers of hens.

By Mr. Mitchem:

S. 629. To propose an amendment to the Constitution of Alabama 1901; to amend Constitutional Amendment No. 214 relating to the promotion of poultry and poultry products, allowing the legislature by general law to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit association; to provide that no assessment levied shall exceed 2 1/2¢ per hen, or other domesticated fowl or other classes of poultry.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Mitchem:

S. 630. To amend Section 2-8-159, Code of Alabama 1975, relating to a referendum held by egg producers assessing monies to be used for poultry promotion; to limit the amount of assessment to not more than 2 1/2¢ per hen.

By Rep. Smith (J):

H. 372. To provide that, with respect to the sale of certain livestock, there shall be no implied warranty that such livestock are free from disease, provided that all federal and state statutory and regulatory requirements are complied with concerning the inspection and disease control of such livestock.

By Rep. Crow:

H. 513. To amend Sections 9-11-48 and 9-11-49, Code of Alabama 1975, which provide for nonresident licenses for hunting trips, so as to extend the period of the trip to seven days.

Mr. Smith, Chairman of the Standing committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. White, St. John, Goodwin and Cook (With Substitute):

S. 600. To provide further for political contributions by corporations, whether for profit or non-profit, or any agent or officer acting in their behalf.

By Messrs. Parsons, Proctor, Martin, Taylor, Bailey, Barron, Keener, Denton, Harrison, Teague, Robertson and Britnell (With Substitute):

S. 264. To amend Section 36-26-5 of the Code of Alabama 1975 relating to the state personnel board so as to further provide for the election of two state employees to the board.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Teague, Figures, Parsons, Keener, Hilliard, Proctor and Kirkland:

S. 619. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; providing for the appointment of deputy registrars to aid in the re-identification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

By Reps. Ray, Sandusky, Venable and Hammett:

H. 414. To amend Chapter 18 of Title 40, Code of Alabama 1975, to provide for the collection of debts owed to the State by setoff of such debts against income tax refunds; to define terms; to prescribe procedures for such setoff; to provide for hearings and appeals in contested cases; to permit the department of revenue to transfer an amount equal to income tax refunds to a

claimant agency for the purpose of offsetting such refunds against debts owned to the claimant agency; to provide an effective date; to repeal conflicting laws; and for other purposes.

By Rep. Mitchell:

H. 734. Relating to the functions of the Alabama Board of Funeral Services to amend Sections 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131, Code of Alabama 1975, so as to authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; allow board to increase annual renewal fees for funeral directors and embalmers up to \$25.00 and up to \$100.00 for operators; provide penalties of up to \$25.00 for lapsed licenses; allow board to increase application fees for funeral directors and embalmers up to \$100.00; require board to charge \$75.00 for second or subsequent inspections of prospective licensed establishments; allow board to increase application fee for funeral establishments up to \$300.00; lower minimum age and educational requirements for funeral director or embalmer apprentices; allow the board to increase apprentice fees up to \$20.00; and to require apprentice time to be supervised.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Harrison (With Amendment):

S. 442. To amend Act 80-278, H. 496, 1980 Regular Session, which relates to counties and municipalities forming solid waste facilities, so as to prohibit said facilities from bidding or paying compensation for solid waste or recyclables being privately processed.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Stout, et al:

H. 769. To provide for and authorize the incorporation and organization of a public corporation in the state to be named the Alabama synfuels development authority for the purpose of furthering the development of synthetic fuels; to designate the officers and members of the board of directors of the authority; to define and describe the duties and obligations of the authority; to prescribe the powers of the authority; and to provide for the dissolution of the authority.

By Rep. Manley:

H. 676. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineers of this state, so as to remove the requirement that they be registered land surveyors; to delete references to several county exceptions in the existing code section; and to provide for the state highway department's partial payment of the salaries of county engineers as provided by Section 11-6-4, Code of Alabama 1975, regardless of the lack of qualification as a registered land surveyor.

By Rep. Gafford:

H. 483. To amend Section 36-17-3, Code of Alabama 1975, which relates to powers and duties of the state treasurer, so as to provide further for access to the combination to the state treasury vault, and for the signing of state warrants.

By Rep. Gafford:

H. 484. To amend Section 36-17-16 of the Code of Alabama 1975 so as to provide further for the destruction of cancelled state warrants.

By Rep. Harper (O):

H. 373. To amend Section 11-41-8, Code of Alabama 1975, as amended, so as to validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

By Rep. Boles, et al:

H. 464. To provide for the issuance of distinctive license plates to the recipients of the Medal of Honor or Prisoners of War.

By Rep. Edwards:

H. 156. To amend Section 11-43-4, Code of Alabama 1975, to provide that the clerk and other officers of a city or town elected by the council shall serve until their successor or successors are elected and qualified.

By Rep. Dixon:

H. 496. To amend Section 36-27-23, Code of Alabama 1975, which provides for the membership of the board of control of the state employees' retirement system, so as to provide further for said membership.

By Rep. Hammett:

H. 2. To provide that certain employees of Alabama Educational Television shall be covered under the state merit system and to provide for an effective date.

By Reps. Ward, Whatley, Grimsley, McMillan, Starkey, Letson, Zoghby, Brakefield, Turner, Minus and Daniels:

H. 553. This bill provides for the abolishment of the Modular Housing Division of the Alabama Development Office and transfer of all of the personnel, funds, appropriations, papers, documents, files, materials, equipment, supplies, duties, responsibilities and other effects of the Modular Housing Division of the Alabama Development Office to the office of the Alabama State Fire Marshal, a division of the Alabama Insurance Department.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Payne, Patton and Hines (With Amendments):

H. 482. Prescribing certain procedures which shall govern the sale or leasing of any public lands belonging to the state or any of its agencies or departments.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham:

S. 352. To amend Section 25-4-142 relating to the Alabama Unemployment Compensation Act by limiting expenditures from the "Special Employment Security Administration Fund" to \$50,000.00 in any fiscal year; and by requiring that all interest and penalty funds in the clearing account in excess of the amount being transferred to the "Special Employment Security Administration Fund" be transferred to the Unemployment Compensation Trust Fund; and by requiring that any balance in the "Special Employment Security Administration Fund" on June 30, 1981, in excess of \$50,000.00 shall be transferred promptly to the Unemployment Compensation Trust Fund.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Payne, Biddle and Lewis:

H. 406. To provide that the use of a firearm or other offensive weapon while committing or attempting to commit a felony shall constitute a separate felony and prescribe penalties.

By Reps. Kennedy, Turner, Zoghby, Clark (W), Warren, Stewart and Buskey:

H. 559. To amend Section 26-14-1, Code of Alabama 1975, relating to the reporting of abuse or neglect of children, so as to explicitly add the terms "sexual exploitation" or "attempted sexual exploitation" to the definition of child abuse and to explicitly define the terms "sexual abuse" and "sexual exploitation."

By Reps. Bedsole, Harper (T) and Clark (W):

H. 514. To provide that owners of motor vehicles that are leased to other persons shall not be liable for parking violations when the vehicles are not in their possession and provides that said lessors shall notify the clerk of the proper court with the name and address of the lessee.

By Mr. Keener:

S. 527. To amend section 36-21-46, Code of Alabama 1975, relating to minimum standards for law enforcement officers, so as to further regulate the training of persons appointed under Chapter 9 of Title 31, Code of Alabama 1975, and to restrict said officers' power of arrest.

By Reps. Bowling, Cooley, Ford, Payne, Naramore, Brakefield, Smith (J), Letson, Harvey, Turner, Dixon, Grouby and Cosby:

H. 423. To amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

By Reps. Bowling, Cooley, Payne, Naramore, Brakefield, Smith (J), Letson, Harvey, Turner, Dixon, Grouby and Cosby:

H. 422. To permit garnishment of up to forty percent (40%) of wages for child support and to make technical procedural changes.

By Rep. Gafford:

H. 284. Relating to the state ethics law for public officers and employees (Title 36, Chapter 25, as amended, Code of Alabama 1975); to amend sections 36-25-1, 36-25-4, 36-25-14 and 36-25-30, Code of Alabama 1975 as amended, which sections relate to definitions, powers and duties of the state ethics commission, the filing of statements of economic interest, and to the construction of said Chapter 25, Title 36, Code of Alabama 1975, as amended, so as to include within the definition of "Public Official" certain persons, firms or corporations which have contracts with the state, or any agency thereof, which contracts provide for personal or professional services; to require the filing of financial statements by such persons, firms or corporations; to prohibit the state ethics commission from issuing any opinion, ruling or regulation limiting or otherwise affecting campaign or political contributions to candidates for public office or to incumbent public office holders, except to require the reporting of any such contributions in a statement or report to be filed with the commission; and to provide that if any single provision of Chapter 25, Title 36, Code of Alabama 1975, as amended or superseded, is held unconstitutional or invalid by a court having jurisdiction then the entire provisions of said Chapter 25 shall be deemed invalid or unconstitutional and shall, in that event, have no further force or effect of law.

By Reps. Patton, Cosby, Payne, Bedsole and Amari:

H. 121. To amend Section 12-15-1, Code of Alabama 1975, so as to remove felonies and violations of the conservation and natural resources laws from the definition of a delinquent act when committed by one 16 years of age or older; to amend Section 12-15-30, Code of Alabama 1975, so as to grant jurisdiction to the juvenile court of those offenses transferred to it by other courts; to amend Section 12-15-33, Code of Alabama 1975, so as to provide for the transfer of a child to the juvenile court from other courts unless the child has previously been convicted of a felony in the adult court or has been transferred to the adult court pursuant to the provisions of Section 12-15-34, Code of Alabama 1975; and, to amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 years of age or older may be transferred to the adult court for any crime, to provide that a finding of probable cause by the juvenile court in a transfer hearing held pursuant to this section shall preclude the necessity of a preliminary hearing in the adult court, and to further provide that the transfer of a child 14 years of age or older to the adult court shall terminate the jurisdiction of the juvenile court over such child.

By Reps. Bennett and Amari:

H. 8. To authorize peace officers whose arrest powers are otherwise limited to a particular subdivision or subdivisions to make arrests in other subdivisions of this state in fresh pursuit situations; to describe the arrest powers of such officers in fresh pursuit situations; to define "fresh pursuit"; to provide that this Act shall not be construed to limit in any way the arrest powers of any peace officer; and to provide an effective date.

By Mr. Cook:

S. 497. To provide immunity to physicians from liability for civil damages for prescribing pain relieving drugs under certain circumstances.

By Mr. deGraffenried:

S. 558. To amend Section 38-2-6 of the Code of Alabama 1975, which relates to the duties, powers and responsibilities of the state department of pensions and securities, so as to authorize the disclosure of otherwise confidential information by department personnel and others when there is probable cause to suspect that an applicant, recipient or their family members have been subjected to activity which may be deemed criminal, other than criminal activity associated with the administration of public assistance.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Barton (With Substitute):

H. 226. This bill relates to legal expense insurance and to Legal Service Insurance Corporations; creating chapter 42 of Title 27, Code of Alabama, 1975, consisting of ss. 27-42-1 through 27-42-23; authorizing organization of legal service insurance corporations, providing for exceptions; providing for public regulation of legal service insurance corporations; providing for deposit or bond; providing policy and certificate form and premium rate requirements; requiring annual reports and making certain provisions of the insurance laws applicable to legal service insurance corporations; providing for registration of contracting sales agents and the reporting and accounting of funds received; providing grounds and procedure for compulsory and discretionary revocation, suspension or refusal of registration for contract sales agents; providing for administrative fine in lieu of suspension or revocation of registration; providing that the act shall not regulate the practice of law or the authority of the Supreme Court of Alabama or State Bar of Alabama; providing an effective date.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Dixon:

H. 323. To amend section 13A-10-8, Code of Alabama 1975, dealing with the crime of rendering a false alarm of fire or other emergency involving danger to life or property, so as to enlarge the scope of the criminal activity therein proscribed and increase the penalty for such newly proscribed criminal activity.

By Mr. Proctor:

S. 573. To amend Section 13A-11-71, Code of Alabama 1975, so as to provide further for the punishment of persons illegally using firearms.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Amendment):

S. 56. To amend Sections 12-16-100 and 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Robertson, Britnell, Taylor, Glass, Callahan, Harrison, Denton and Hall:

S. 523. To prescribe that the state of Alabama denies any cause of action based on "wrongful life"; to deny any action or award of damages based on the claim that but for the conduct of another person he or she would not have been conceived, or would not have been permitted to have been born alive; to provide that the failure or refusal of any person to prevent any live birth shall not constitute a defense, nor shall such failure or refusal be considered in awarding damages or imposing any penalty.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Langford, Wyatt, McKee, Turner, Kennedy, Clark (G) and Dixon (With Amendments):

H. 110. To amend Section 36-25-1 of the Code of Alabama 1975 relating to the state ethics law so as to further provide for the definition of public employee.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Little (with notice and proof):

S. 651. Relating to Tallapoosa County; increasing the salaries of deputies to the sheriff.

By Mr. Little (with notice and proof):

S. 652. Relating to Tallapoosa County; to amend further Section 2 of Act No. 83, H. 427, Regular Session of 1957 (Acts 1957, p. 124), so as to provide further for the office and travel expenses of the coroner; and to provide for retroactive effect.

By Mr. McDonald (with notice and proof):

S. 653. Relating to Limestone County; amending Act No. 79-501, S. 620, 1979 Regular Session (Acts 1979, p. 914), which provides for distribution of T. V. A. payments, so as to provide further for said payments.

By Mr. Little (with notice and proof):

S. 655. Relating to Tallapoosa County; amending Act No. 147, H. 163, 1969 Regular Session (Acts 1969, p. 210), which provides for the imposition



of a privilege license or excise tax on sellers, distributors, storers, or users of malt or brewed beverages in the county, so as to provide further for the administration of the Act.

By Messrs. Taylor and Goodwin (with notice and proof):

S. 656. To amend Section 1 of Act No. 333, H. 234 Special Session 1966, (Acts 1966, p. 476) which relates to expense allowances of the chairman and members of the county board of equalization of Autauga County.

By Mr. Teague (with notice and proof):

S. 577. Relating to Talladega County; repealing Act No. 79-593, H. 949, 1979 Regular Session (Acts 1979, p. 1055), which provides for additional fees to be assessed against taxpayers delinquent in the payment of ad valorem taxes and providing for its retroactive effect.

By Mr. Britnell (with notice and proof):

S. 638. Relating to Marion County; to further amend Act No. 80-128, H. 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

By Mr. Figures (with notice and proof):

S. 660. To amend the Title and Section 1 of Act No. 155, H. 654, Regular Session 1969 (Acts 1969, p. 430) which provides that the Governing Body of any city or town in any county in the State of Alabama having a population in excess of 300,000 and less than 600,000 inhabitants may create the position of Assistant City Attorney on a full-time basis and may provide that any person holding such position in the municipal government shall be immediately placed upon the employment civil service or merit system roster of such county without examination or decrease in salary and that such position shall thereafter remain under the provisions of any such civil service or merit system, so that such municipal governing body may create one or more positions of Assistant City Attorney on a full-time basis and may provide that any person or persons filling such position or positions shall be immediately placed upon such employment civil service or merit system roster without examination or decrease in salary and that such position shall thereafter remain under the provisions of any such civil service or merit system.

By Rep. Goodwin (with notice and proof):

H. 845. Applicable to the City of Russellville, Franklin County, Alabama, to provide an expense allowance to the Mayor and to each member of the city governing body of said city.

By Rep. Coburn (with notice and proof):

H. 860. Relating to Colbert County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

By Rep. Cobb (with notice and proof):

H. 883. Relating to Marion County; to authorize the County Board of Education to meet the last week in June and to set the salary of the Superintendent of Education.

By Rep. Cobb (with notice and proof):

H. 885. To amend Section 1 of Act No. 2376, H. 228, 1971 Regular Session (Acts 1971, p. 3805), relating to pistol permit fees in Marion County so as to provide further for the amount and disposition of such fees.

By Rep. Smith (C) (with notice and proof):

H. 899. Relating to Chilton County; to provide for and require the reidentification of registered voters; to provide a penalty for wilfully making a false statement in connection with reidentification; and to repeal Act No. 126, Special Session 1962, and all other laws or parts of laws in conflict herewith.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Langford (With Substitute):

H. 912. Proposing an amendment to the Constitution of 1901; relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Montgomery County.

The above Bill was read a second time at length as required by the Constitution.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Cooley and Bowling (with notice and proof):

H. 920. Amending Section 6 of Act No. 573, S. 391, 1976 Regular Session (Acts 1976, p. 780), relating to the revenue commissioner of Cullman County, so as to provide further for the compensation and the retirement of such official.

By Reps. Cooley and Bowling (with notice and proof):

H. 921. Relating to Cullman County; to provide for an additional expense allowance for election officials of said county.

By Reps. Cooley and Bowling (with notice and proof):

H. 922. Relating to Cullman County; to approve and validate the amount of certain expenditures paid to the circuit clerk.

By Rep. Waggoner (with notice and proof):

H. 933. Relating to Shelby County; to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended;

providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of proceeds including the pledging of such proceeds to the payment of obligations; and providing penalties for violations of this act.

By Rep. Crow (with notice and proof):

H. 943. Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996), which provides for a civil service system for the City of Oxford, so as to increase the compensation of the board members of said system.

By Reps. Laird, Turnham, Harper (O) and Ward (with notice and proof):

H. 973. Relating to Chambers County; to provide for a certain additional tax upon the sale, use or consumption of malt or brewed beverages and to provide for disposition of the proceeds of such additional tax.

By Reps. Laird, Turnham, Harper (O) and Ward (with notice and proof):

H. 974. Relating to Chambers County; to provide further for the mileage allowance of the county coroner, and to provide for retroactive effect.

By Rep. Blake (with notice and proof):

H. 980. Relating to St. Clair County; to amend sections 1 and 2 of Act No. 79-607, H. 938, Regular Session 1979 (Acts 1979, p. 1075) relating to the taxation of certain alcoholic beverages in the county, so as to increase said tax and to discontinue the use of tax stamps.

By Rep. Smith (C) (with notice and proof):

H. 995. Proposing an amendment to the Constitution of Alabama of 1901 authorizing Chilton County to levy and collect a special property tax on property outside the corporate limits of any incorporated municipality in such county, the proceeds of which shall be used to provide fire, medical and emergency services to unincorporated areas of the county; providing for its operation if approved by a majority of the qualified electors of the county.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Adams (H) (with notice and proof):

H. 1018. Relating to the Town of Cedar Bluff, in Cherokee County; authorizing the Town of Cedar Bluff as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable services to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its power in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Barton:

H. 741. To amend Section 3 (f), Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 3(a)(9), Title 28, Code of Alabama 1975 and Section 11, Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 11, Title 28, Code of Alabama 1975 to further define a lounge retail liquor license.

By Reps. Ward, Whatley, Grimsley, McMillan, Starkey, Letson, Brakefield, Zoghby, Turner, Minus and Daniels:

H. 554. To provide for the certification of manufactured buildings; to provide for the regulation, administration and enforcement of the provisions of this act by the Alabama state fire marshal and to provide penalties for violations of this act or any rule or regulation promulgated hereunder.

By Reps. Penry and McMillan:

H. 638. To require licensing of businesses engaged in the sale, processing, and packing for resale of seafood and of wholesale and retail outlets selling seafood and to provide penalties for violation of this act.

By Reps. Penry, Harper (T) and McMillan:

H. 637. To create a crab catcher's license; to establish when such license is required; to create a tagging system for commercial crab traps; to distribute the proceeds of such licenses; and to provide penalties for violation of this act.

By Rep. Harper (T):

H. 625. To provide for a live bait shrimp dealers license; to regulate the taking and transporting of shrimp for live bait; to regulate the taking of shrimp for commercial and noncommercial purposes by persons other than dealers; to prescribe penalty for persons violating the provisions of this act; and to repeal §§ 9-12-48, 9-12-55 through 9-12-60 inclusive, and 9-12-92, Code of Alabama 1975.

By Rep. Harper (T):

H. 624. To increase the license fees for gill and trammel nets used in saltwaters; to provide for nonresident fees; to provide penalties for the violation of this act; and to repeal §9-12-113, Code of Alabama 1975.

By Rep. Harper (T):

H. 411. To amend section 9-12-82, Code of Alabama 1975, relating to oyster license fees, so as to provide for the increase of the commercial oyster tonging license fee; to define commercial versus noncommercial collection of oysters; and to provide penalties for violation of this act.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. White and Smith:

S. 645. To provide that state employees' existing benefits and certain future benefits shall not be affected by any employees' reclassification plan.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Callahan and Goodwin (With Substitute):

S. 517. To create the Alabama Indian Affairs Commission; to provide for its duties and membership; to provide the method of appointment and compensation of said members; and repeals Sections 41-9-700 through 41-9-707, Code of Alabama 1975.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Weeks:

S. 635. To provide for the delivery of services to the poor and disadvantaged; to permit counties and municipalities to form county or multi-county, nonprofit, public corporations; to authorize such corporations to implement programs and to construct, maintain, equip, and operate facilities; to provide that such programs and facilities be used in accordance with standards and criteria established by federal and state agencies, boards, and institutions from which grants or contracts may be received so as to eliminate the paradox of poverty in the midst of plenty and to join with other areas of Alabama and the nation in a concerted effort to eliminate poverty by opening to everyone the opportunity of education and training, the opportunity to work, and the opportunity to live in decency and dignity; to provide for the powers, authorities, and duties of such corporations; to authorize said corporations to enter into contracts with any agency for the purpose of carrying into effect the above; to authorize local governing bodies to appropriate moneys for the support of such facilities and programs; to authorize such corporations to assume the facilities, programs, equipment, property and funds from the existing community action agency in particular areas of the state which were organized as a private nonprofit corporation under the provisions of the Economic Opportunity Act of 1964, as amended; and to repeal any existing law which is in conflict with this act.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 625. Relating to privilege or license taxes on mortgages, deeds of trust, contracts of conditional sale or other instruments of like character received for record or for filing: To amend Section 40-22-2, Code of Alabama 1975, which provides for the payment of privilege or license taxes for recording or filing of mortgages, deeds of trust, contracts of conditional sale and other instruments of like character so as to provide an alternative procedure for the recording of instruments securing open end or revolving indebtedness with any interest in residential property, and to provide that such privilege or license taxes shall be based upon the maximum principal indebtedness to be secured by such instrument at any time as stated in such instrument or any amendment thereto, irrespective of the cumulative amount advanced from time to time thereunder.

By Reps. Turnham and McCorquodale:

H. 417. To amend Act No. 80-691, H. 811, 1980 Regular Session (Acts of Alabama 1980, p. ), which Act creates the Alabama Toll Road, Bridge and Tunnel Authority, defines its powers and duties and authorizes the issuance of revenue bonds, so as to remove certain maximum rates of annual interest such bonds shall bear, thereby authorizing the Authority to sell such bonds in such a manner and for such a price as it may determine to be in the best interest of the Authority.

By Rep. Sasser:

H. 604. To create an additional judgeship for the Thirty-third Judicial Circuit of Alabama; to provide for the election of the first judge and of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the Thirty-third Judicial Circuit of Alabama to two; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate, with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (With Amendment):

H. 448. To make further appropriations of state funds for the fiscal year ending September 30, 1981.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Seante with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Clark (G) and Campbell (With Amendments):

H. 380. To further regulate the sale of alcoholic beverages and to raise revenue by levying an exclusive statewide local privilege or excise tax on every person licensed under the provisions of Title 28, Article 3A, Code of Alabama 1975, who sells, stores or receives for the purpose of distribution, beer; to provide for the collection and distribution of the proceeds of said tax; to provide for penalties; to provide for eligible counties a phase-out system of net revenue loss from local beer tax; and to supersede and repeal all local taxes, county and municipal, levied on or measured by the sale of beer, except general sales taxes.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 416. To provide that retired peace officers shall be exempt from all pistol permit fees.

By Mr. Teague:

S. 659. To impose certain court costs and seizure fees; to provide for their distribution to certain police academies; to provide for the acceptance of grants and to provide for cooperation between certain agencies.

By Mr. Parsons:

S. 647. To provide for domestic violence shelters to grant relief from family violence disturbances; to prescribe the duties, responsibilities and powers of the office of prosecution services, the district attorneys, the executive committee of the Alabama District Attorney Association, and the facilities relating to administering the provisions of this act; to provide for certification, process, contracting and certain funding for facilities and programs which provide service for victims of domestic violence; to authorize each participating district attorney to formulate and conduct certain research, evaluation and educational programs related thereto within its jurisdiction or community; to empower the said facilities to enlist the assistance of certain public, voluntary and state agencies and to be established or operate on a joint basis; to authorize contracting for services or shelter; to prescribe that the participating district attorneys, facilities and the office of prosecution services shall make certain reports; to provide certain matching funds for qualified applicants for contracting services or shelter, and to establish eligibility and standards therefor; to exempt certain facilities from the provisions of Title 38, Chapter 7 and Title 26, Chapter 14 of the Code of Alabama 1975; to prescribe that certain information shall be confidential; to increase marriage license fees for purposes of funding the provisions of this act; to prescribe a limitation on the use of matching funds for administration of the provision of this act; to provide for the disposition of unencumbered and unspent funds; and to provide for certain immunities.

By Mr. Callahan:

S. 546. To provide that any member of the judicial retirement fund shall be entitled to purchase prior service credit toward retirement for certain time served as a Law Clerk for a Justice or Judge in the Supreme Court of Alabama, the Criminal Court of Appeals, or the Civil Court of Appeals.

By Rep. Gafford:

H. 855. To provide for optional retirement for previously retired state employees.

By Mr. Callahan:

S. 449. To amend Section 12-17-110, Code of Alabama, 1975, providing for the appointment and removal of circuit court registers, and providing compensation of registers.

By Rep. Reed:

H. 776. To make appropriations for the support and maintenance of the Tuskegee Institute.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed on the Consent Calendar for today, to-wit:

By Reps. Roberts and Carter:

H. 359. To provide for and regulate the sale, use, distribution and manufacture of certain fireworks; to provide for permits to be issued by the

state fire marshal; to specifically prohibit certain fireworks and to define certain terms relating to fireworks and explosives; to prescribe penalties for violation of this Act; and to repeal Sections 13A-11-100 through 13A-11-105, Code of Alabama 1975, relating to fireworks.

### CONSENT CALENDAR

The Bill:

S. 358. To amend Section 25-4-75, Code of Alabama 1975, as last amended, to comply with the requirement of federal law as contained in Public Law 96-499 relating to benefits under the extended benefit program so as to provide for a limit to the first 2 weeks of benefits paid on an interstate claim filed in an agent state where no extended benefit period is in effect; to provide restrictions on eligibility for such benefits to individuals who fail to accept any offer of suitable work and to define "suitable work", actively engage in systematic and sustained effort to find work and to furnish tangible evidence of such efforts; to provide penalties for violations thereof; and to meet the requirements that these provisions become effective for weeks of unemployment commencing after March 31, 1981.

was taken up.

Under the provisions of Senate Rule 14 (4), Mr. Taylor moved that the Rules be suspended to allow him to take up the Bill:

H. 547. To amend Section 25-4-75, Code of Alabama 1975, as last amended, to comply with the requirement of federal law as contained in Public Law 96-499 relating to benefits under the extended benefit program so as to provide for a limit to the first 2 weeks of benefits paid on an interstate claim filed in an agent state where no extended benefit period is in effect; to provide restrictions on eligibility for such benefits to individuals who fail to accept any offer of suitable work and to define "suitable work", actively engage in systematic and sustained effort to find work and to furnish tangible evidence of such efforts; to provide penalties for violations thereof; and to meet the requirements that these provisions become effective for weeks of unemployment commencing after March 31, 1981.

in place of the Consent Calendar Bill, S. B. 358.

On motion of Mr. Taylor, the Rules were again suspended and he was granted permission to offer the following amendment to the Bill, H. B. 547, to-wit:

### COMMITTEE AMENDMENT TO H. B. 547

Amend H. B. 547 by deleting subsection (k) beginning on line 34 of page 8 and ending on line 7 of page 9 and inserting a new subsection (k) as follows:

(k) **EMPLOYMENT REQUIRED AFTER INVOLUNTARY SEPARATION.** No provision of section 25-4-78 of this chapter which terminates a disqualification for regular or extended benefits because he or she has voluntarily left employment, was suspended or discharged for misconduct or failed to accept an offer of or apply for suitable work shall apply for purposes of determining eligibility for extended benefits unless the disqualification imposed has been terminated based upon employment in four weeks and remuneration of an amount which equals or exceeds four times the individual's weekly amount subsequent to the effective date of such disqualification.

Which was adopted.



Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Robertson	
Bailey	Goodwin	Lemaster	Smith	
Barron	Hall	Little	Taylor	
Britnell	Harrison	Martin	Teague	
Callahan	Higginbotham	McDonald	White	
deGraffenried	Holmes	Parsons		—22

*Nays:* —0

And said Bill, H. B. 547, as thus amended, was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Smith	
Barron	Gulledge	Little	Taylor	
Britnell	Hall	Martin	Teague	
deGraffenried	Holmes	Robertson	Weeks	
Glass	Keener	St. John		—18

*Nays:* —0

On motion of Mr. Taylor, further consideration of the Bill, S. B. 358, was indefinitely postponed.

## RESOLUTION

Mr. Harrison offered the following Senate Joint Resolution, to-wit:

S. J. R. 177. MOURNING THE DEATH OF W. D. "WILLIE" DeARMOND, MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama is saddened by the death of Mr. W. D. "Willie" DeArmond of Montgomery, Alabama, on January 5, 1981, at the age of 70; and

WHEREAS, this native of Baywood, Louisiana, received his primary and secondary education in Pride, Louisiana, and earned a Bachelor of Science Degree in Chemical Engineering from Louisiana State University; and

WHEREAS, Mr. DeArmond served his country in World War II in 1942, entering as a 2nd Lieutenant in the United States Army, serving as Engineering Liaison Officer to the Iranian Army, and was discharged with honors in 1946, having attained the rank of Lieutenant Colonel; and

WHEREAS, in 1947, only one year after commencing his thirty-four-year career in the L-P Gas Industry, Mr. W. D. DeArmond and his wife, Shirley, moved to Montgomery where he contributed immeasurably to the betterment of his community and State; and

WHEREAS, his keen mind and business acumen led Mr. DeArmond to be respected by all throughout the L-P Gas Industry nationwide; and

WHEREAS, the more successful "Willie" became the more he was motivated to great generosity and to share his success with everyone; and

WHEREAS, "Willie" left us many legacies that all recognized as his trade-marks: hard work, humility, kindness, generosity of self, talents and possessions, all of which endeared him to his legion of friends; and

WHEREAS, W. D. DeArmond, who never sought to be recognized as a leader but only wished to serve others, now stands as a monument exemplifying those virtues which make great persons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of W. D. "Willie" DeArmond of Montgomery, Alabama, and send copies of this resolution to his wife, Shirley, and to their son, Art, that they may know of our deeply shared sorrow in their great loss.

On motion of Mr. Harrison, the Rules were suspended and the Resolution was adopted by the Senate.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 105. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount, and to provide certain exceptions thereto.

To amend the following sections of Title 41, Code of Alabama, 1975: Section 41-16-50, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount, and to provide certain exceptions thereto; and Section 41-16-107, relating to contracts for sale of certain state property; providing that the provisions of Article 5 at Sections 41-16-100 through 41-16-109, Code of Alabama, 1975, as amended, shall not apply to the sale or disposal of tangible personal property by the State Highway Department when the purchaser or recipient is a county governing body or municipal governing body of this state.

Also:

S. 197. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U. S. C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

Also:

S. 550. To provide that the Board of Trustees of the University of Alabama, at its discretion, may continue the employment of employees 70 years of age or older; and to repeal conflicting laws.

ALBERT McDONALD,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

H. 359. To provide for and regulate the sale, use, distribution and manufacture of certain fireworks; to provide for permits to be issued by the state fire marshal; to specifically prohibit certain fireworks and to define certain terms relating to fireworks and explosives; to prescribe penalties for violation of this Act; and to repeal Sections 13A-11-100 through 13A-11-105, Code of Alabama 1975, relating to fireworks.

was taken up.

On motion of Mr. Holmes, the Rules were suspended and he was granted permission to offer the following amendment to the Bill, H. B. 359, to-wit:

### AMENDMENT TO H. B. 359

Amend H. 359 as follows:

On page 4, line 35, after the word "into", delete the words "the general fund of the state treasury" and insert in lieu thereof: The Fire Marshal Fund for the enforcement of this Act

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Robertson
Barron	Hall	Little	Smith
Britnell	Harrison	Martin	Taylor
Glass	Holmes	Parsons	Teague
Goodwin	Keener	Pearson	

Nays:

—0

On motion of Mr. Weeks, the Rules were suspended and he was granted permission to offer the following amendment to the Bill, H. B. 359, as amended, to-wit:

AMENDMENT TO H. B. 359, AS AMENDED

On page 1, on line 37 strike the words "any other" and strike line 38 in its entirety and on page 2 strike lines 5-10 in their entirety and substitute in lieu thereof:

a bona fide wholesaler.

On page 2, strike lines 15-19 in their entirety and renumber following subsections accordingly.

On page 3, line 16, strike the word "jobber".

On page 4, strike line 7 in its entirety and the words "sales period for which it is issued" on line 8.

On page 4, line 9, strike the words "jobbers and".

On page 4, line 17, strike the phrase "jobber-\$750.00;"

On page 4, lines 18 and 19, strike the words ", for each period of retail sale provided for in Section 10 of this act"

On page 4, line 20, strike the word "jobber" and insert in lieu thereof:  
retailer

On page 4, line 22, strike the words "bona fide" and insert in lieu thereof:  
consumers.

On page 4, strike lines 23-28 in their entirety.

On page 4, line 31, strike the word "jobbers"

On page 5, line 33, strike the word "jobber"

On page 8, line 31, place a period after the word "Alabama" and delete the remainder of line 31 and all of lines 32 and 33.

On page 8, at the beginning of line 34, insert the following: The term

On page 9, line 29, strike the words "or jobbers"

On page 10, strike lines 5-8 in their entirety.

On page 10, line 11, strike the phrase "ten (10)" and insert in lieu thereof:  
sixteen (16)

On page 10, line 12, after the period insert: Any person purchasing fireworks shall be required to show a valid driver license or state approved identification card.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Smith	
Bailey	Hall	Martin	Taylor	
Barron	Harrison	Parsons	Teague	
Glass	Holmes	Pearson	Weeks	
Goodwin	Lemaster	Robertson		—18

*Nays:* —0

And said Bill, H. B. 359, as thus amended, was read a third time at length and passed.

Yeas 19; Nays 5.

*Yeas:*

Messrs.:	Denton	Keener	St. John	
Bailey	Glass	Lemaster	Smith	
Britnell	Goodwin	Little	Taylor	
Callahan	Gulledge	Martin	Teague	
Cook	Holmes	McDonald	Weeks	—19

*Nays:* Messrs.: Hilliard, Parsons, Proctor, Robertson and White. —5

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 178. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the 25th legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 631	151	Education Budget
S. B. 551	134	Ala. Congress of Parents & Teachers, join T. R. S.
S. B. 67	95	Council on Arts and Hum., merit syst., ERS
S. B. 129	73	Road Contractors
S. B. 641	109	Pharmacy, St. Bd. of, Hospital, rep.
S. B. 637	129	Jefferson, Judicial Offices, vacancies
S. B. 329	151	10th Jud. Circ., add'l judgeships
S. B. 288	35	Credit Cards, fees
S. B. 342	131	L.E.O., tuition grants to survivors
S. B. 411	75	Parole Courts, pardons & paroles board

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S. B. 433	101	Child Labor Laws, jurisdiction transfer
S. B. 199	88	Print & Publication, dept. or agency, cost exempt
S. B. 260	31	AL. Unempl. Comp. Act, am'd
S. B. 566	102	Liens, estate tax
S. B. 206	27	Children, legitimation process, guardian
S. B. 567	103	Bd. of Ed., warrants, payment, fee schedule
S. B. 92	10	Public health, am'd
S. B. 289	55	Municipal Corp., empl. Ins. prov.
S. B. 452	71	St. Agencies, liability insurance for empl.
S. B. 474	66	Jurors, pass on soundness of mind, paid \$8.00
S. B. 469	53	Probate Court, matters not to be moved to District Court
S. B. 166	22	AL. State Tenure Comm., hearings
S. B. 189	47	Empl's., ins. bd., prov.
S. B. 230	47	Empl's., number of elig. on pers. roster
S. B. 642	126	Automotive Dismantlers & Recyclers
S. B. 644	133	Ala. Federation of Women's Clubs, exempt

And on motion of Mr. McDonald, said Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Britnell (with notice and proof):

S. 665. Relating to Franklin County; to provide an additional expense allowance for the members and Chairman of the county commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 665, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Britnell (with notice and proof):

S. 666. To authorize the Franklin County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 666, as required in the General Acts of Alabama, 1975 act No. 919.

McDOWELL LEE,  
Secretary.

### RESOLUTION

Messrs. Weeks, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 179. COMMENDING JUDY G. McLEAN, ON SUCCESSFULLY COMPLETING THE EXAMINATION FOR CERTIFIED PUBLIC ACCOUNTANTS.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes that Mrs. Judy G. McLean, native of Grove Hill, Alabama, and Human Resource Fiscal Analyst, Legislative Fiscal Office, has successfully completed the examination for Certified Public Accountants; and

WHEREAS, Mrs. McLean received her Bachelor of Science Degree in Business and Accounting from Auburn University, and presently she is pursuing a Masters in Business Administration, Auburn University of Montgomery; and

WHEREAS, this Legislature is particularly proud of Mrs. McLean's accomplishments because she has given her fiscal expertise to us for over two and one-half years since working in the Legislative Fiscal Office; and

WHEREAS, Mrs. Judy McLean is a member of the Committee on Fiscal Affairs and Government Operations of the Southern Legislative Conference of the Council of State Governments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Mrs. Judy G. McLean on her recent accomplishment of successfully completing the certified public accountants' examination and give her a copy of this resolution as evidence of our concurring pride and in appreciation of her fine assistance to this Legislative body.

RESOLVED FURTHER, That we do commend Mr. Victor McLean, husband of Judy G. McLean, on his encouragement and supportiveness of his wife in her ambitious endeavors.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

### UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 439. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

as amended on the Twenty-Fourth Legislative Day.

And said Bill, S. B. 439, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 3.

*Yeas:*

Messrs.:	Denton	Higginbotham	Parsons
Bailey	Figures	Holmes	Proctor
Barron	Glass	Keener	Robertson
Britnell	Gulledge	Lemaster	Taylor
Callahan	Hall	Little	Teague
Cook	Harrison	Martin	Weeks
deGraffenried			—24

*Nays:*

Messrs.: Goodwin, St. John and White. —3

On motion of Mr. Keener, the names of Messrs. Harrison, Bailey, Parsons, and Lemaster were added as co-sponsors of the above Bill, S. B. 439.

Mr. Keener moved that the Senate reconsider the vote by which the Bill, S. B. 439, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

#### SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 631. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 631, to-wit:

#### COMMITTEE SUBSTITUTE FOR H. B. 631

##### A BILL TO BE ENTITLED AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1982 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 7, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund.



Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Special Educational Trust Fund Surplus Account, Special Mental Health Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1982 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the Code of Alabama, 1975), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

### Section 3:

#### A. STATE AGENCIES

##### 1. Arts and Humanities, Council on the

(a) Fine Arts Program .....	1,250,000
(b) Birmingham Symphony .....	250,000
(c) Alabama Shakespeare Festival	50,000

#### SOURCE OF FUNDS:

(1) ASETF .....	800,000		
(2) Federal and Local Funds .....		<u>750,000</u>	
Total Council on the Arts and Humanities .....	<u>800,000</u>	<u>750,000</u>	<u>1,550,000</u>
2. Debt Service .....			878,000
(a) For the payment of principal and interest due on bonds issued by the University of Alabama			

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Research Institute pursuant to  
Constitutional Amendment No.  
CLVII ..... 218,256

(b) Interest on Endowments:

For interest on University of Mon-  
tevallo (Alabama College) En-  
dowment, Estimated ... 45,000

For interest on Auburn University  
Endowment ..... 20,280

For interest on University of Ala-  
bama Endowment ..... 61,000

For interest on Grove Hill Endow-  
ment ..... 600

For interest on Public School Fund  
Endowment:

Interest on 16th Section Lands Es-  
timated ..... 410,000

Interest on School Indemnity  
Lands Estimated ..... 90,000

Interest on Valueless 16th Section  
Lands ..... 5,825

Interest on Surplus  
Revenue ..... 26,764

Interest on James Wallace  
Fund ..... 275

Total ..... 878,000

SOURCE OF FUNDS:

(1) ASETF ..... 878,000

Total Debt Service ..... 878,000                      878,000

3. Dental Scholarship Awards,  
Board of:

(a) Support of Other Educational  
Activities Programs ..... 228,000

SOURCE OF FUNDS:

(1) ASETF ..... 228,000

Total Board of Dental Scholarship  
Awards ..... 228,000                      228,000

(To be expended under the provi-  
sions of Act No. 662, 1977 Regu-  
lar Session.)

4. Education, Department of

(a) Instructional Technical Assis-  
tance Program ..... 7,855,698

The proposed spending plan for the  
above is as follows:

Right-to-Read .....	73,028
Career Education .....	96,096
Special Education Administration .....	477,750
State Fire College and Technical Assistance Program at Shelton State Community College .....	227,500
Vocational Education ...	637,000

## SOURCE OF FUNDS:

(1) ASETF .....	1,511,374		
(2) Federal and Local Funds ....		<u>6,344,324</u>	
Total Instructional Technical As- sistance Program .....	<u>1,511,374</u>	<u>6,344,324</u>	<u>7,855,698</u>

(The appropriation for Special Education Administration is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act.)

(b) Local Agency Support Program .....	10,830,939
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The proposed spending plan for the above is as follows:

Coordination of In-School Televi- sion .....	103,885
School Bus Driver Training and Vehicle Safety Inspection .....	187,500
Free Textbooks .....	7,735,000
Testing .....	728,000
Plans and Surveys .....	64,730

## SOURCE OF FUNDS:

(1) ASETF .....	8,819,115		
(2) Federal and Local Funds ....		2,011,824	
Total Local Agency Support Pro- gram .....	<u>8,819,115</u>	<u>2,011,824</u>	<u>10,830,939</u>

(c) Regulation Program .....	907,816
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Teacher Certification and Accredi- tation .....	206,570
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## SOURCE OF FUNDS:

(1) ASETF .....	206,570		
(2) Federal and Local Funds ....		<u>701,246</u>	

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Total Regulation Program .....	<u>206,570</u>	<u>701,246</u>	<u>907,816</u>
(d) Administrative Services Program .....			10,544,965
The proposed spending plan for the above is as follows:			
Compact for Education ...	26,390		
Operations and Maintenance of Department .....	1,973,000		
Kindergarten Admin ....	120,000		
Telephone Revolving Fund .....	1,092,000		
SOURCE OF FUNDS:			
(1) ASETF .....	3,211,390		
(2) Federal and Local Funds ....		7,333,575	
Total Administrative Services Program .....	3,211,390	7,333,575	10,544,965
The above appropriation shall include a transfer to the State Personnel Department of 63,494.			
(e) Adult Education Program ...			3,610,083
The proposed spending plan for the above is as follows:			
Adult Basic Education ..	950,000		
Community Education ...	87,360		
SOURCE OF FUNDS:			
(1) ASETF .....	1,037,360		
(2) Federal and Local Funds ....		<u>2,572,723</u>	
Total Adult Education Program .	<u>1,037,360</u>	<u>2,572,723</u>	<u>3,610,083</u>
(f) Support of State Universities Program .....			256,833
SOURCE OF FUNDS:			
(1) Federal and Local Funds ....		256,833	
Total Support of State Universities Program .....		256,833	256,833
(g) Projects-Vocation Rehabilitation/Crippled Children Services Program .....			734,443
SOURCE OF FUNDS:			
(1) Federal and Local Funds ....		734,443	
Total Projects-Voc. Rehab/Crippled Children Services Program ....		734,443	734,443
(h) Disability Determination for Social Security Program .....			9,650,611

## SOURCE OF FUNDS:

(1) Federal and Local Funds . . . .	<u>9,650,611</u>		
Total Disability Determination for Social Security Program . . . . .	9,650,611	9,650,611	
(i) Support of Other Education Ac- tivities . . . . .		9,100	
The proposed spending plan for the above is as follows:			
Education of Dependents of Blind Parents . . . . .	9,100		

## SOURCE OF FUNDS:

(1) ASETF . . . . .	9,100		
Total Support of Other Education Activities . . . . .	<u>9,100</u>		<u>9,100</u>

For reimbursement of every State  
Institution of Higher Learning,  
College, University, or Trade  
School or Junior College, in  
which benefits are given to de-  
pendents of blind parents under  
the provisions of Act No. 281,  
1966 Special Session.

(j) Direct Client Services for the Handicapped . . . . .		40,642,254	
Crippled Children Services Pro- gram . . . . .	4,300,00	3,067,910	
Hemophilia Program . . . .	273,000		
Homebound Program . .	2,366,000		
Rehabilitation Services Program . . . . .	5,660,200	24,975,144	

## SOURCE OF FUNDS:

(1) ASETF . . . . .	12,599,200		
(2) Federal and Local Funds . . . .		<u>28,043,054</u>	
Total Direct Client Services for the Handicapped . . . . .	<u>12,599,200</u>	<u>28,043,054</u>	<u>40,642,254</u>

(k) Project to Develop a Financial  
Management Information Sys-  
tem . . . . .

39,000

## SOURCE OF FUNDS:

(1) ASETF . . . . .	19,000		
(2) Federal and Local Funds . . . .		<u>20,000</u>	
Total Project to Develop a Finan- cial Management Information System . . . . .	<u>19,000</u>	<u>20,000</u>	<u>39,000</u>

TOTAL DEPARTMENT OF EDUCATION SOURCE OF FUNDS:

(1) ASETF .....	27,413,109		
(2) Federal and Local Funds ....		<u>57,668,633</u>	
Grand Total Department of Education .....	<u>27,413,109</u>	<u>57,668,633</u>	<u>85,081,742</u>

5. Employees Insurance, State .. 597,074

SOURCE OF FUNDS:

(1) ASETF .....	597,074		
Total State Employees Insurance	<u>597,074</u>		<u>597,074</u>

6. Employees Retirement, State, Estimated ..... 1,629,435

SOURCE OF FUNDS:

(1) ASETF .....	321,668		
(2) ASETF - Cooperative Extension Service .....	1,307,767		
Total State Employees Retirement	<u>1,629,435</u>		<u>1,629,435</u>

7. Fine Arts, Alabama School of  
(a) Fine Arts Program ..... 907,000

SOURCE OF FUNDS:

(1) ASETF .....	819,000		
(2) Federal and Local Funds ....		<u>88,000</u>	
Total Alabama School of Fine Arts	<u>819,000</u>	<u>88,000</u>	<u>907,000</u>

8. Higher Education, Commission on

(a) Planning & Coordination Services Program ..... 831,178

(b) Alabama Student Assistance Program ..... 1,669,759

(c) Alabama Student Grant Program ..... 3,000,000

SOURCE OF FUNDS:

(1) ASETF .....	4,313,919		
(2) Federal and Local Funds ....		<u>1,187,018</u>	
Total Commission on Higher Education .....	<u>4,313,919</u>	<u>1,187,018</u>	<u>5,500,937</u>

The Alabama Student Grant funds are to be expended in accordance with Act No. 90, 1978, Second Special Session.

9. Study Commission, Alabama Education

(a) Advisory Services Program ..			100,000
SOURCE OF FUNDS:			
(1) ASETF .....	100,000		
Total Alabama Education Study Commission .....	100,000		100,000
(To be expended in accordance with Act No. 15, 1969 Special Session.)			
10. Junior College School System			
(a) Academic Instruction and Institutional Support Program ..			66,004,890
SOURCE OF FUNDS:			
(1) ASETF .....	42,095,158		
(2) Federal and Local Funds ....		9,147,864	
(3) State Funds .....		755,547	
(4) Other Funds .....		9,743,216	
(5) Auxiliary Enterprises .....		4,263,105	
Total Junior College School System .....	42,095,158	23,909,732	66,004,890

This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed below and is to be distributed on the following formula: \$200,000 to each Junior College. The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1980-81 by all the Junior Colleges listed in the appropriation, provided, however, the nursing and allied health programs will be funded on a cost basis based upon the 1980-81 academic year in accordance with the number of quarter hours attempted within the departments. Junior colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.) Of the above appropriations contained herein in Section 3-A-10 not more than the sum of \$270,000 may be used by the State Board of Education for administration of the state junior college program.

11. Library Service, Public

(a) Public Library Service Program .....	3,889,162
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The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$2,779.

SOURCE OF FUNDS:

(1) ASETF .....	2,730,000		
(2) Federal and Local Funds ....		<u>1,159,162</u>	
Total Public Library Service ....	<u>2,730,000</u>	<u>1,159,162</u>	<u>3,889,162</u>

12. Marine Environmental Sciences

Consortium

(a) Support of Other Educational Activities Program .....	613,548
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SOURCE OF FUNDS:

(1) ASETF .....	465,920		
(2) Federal and Local Funds ....		<u>147,628</u>	
Total Marine Environmental Sciences Consortium .....	<u>465,920</u>	<u>147,628</u>	<u>613,548</u>

13. Medical Scholarships Awards, Boards of

(a) Support of Other Educational Activities Program .....	711,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>711,000</u>		
Total Board of Medical Scholarships Awards .....	<u>711,000</u>		<u>711,000</u>

(To be expended under the provisions of Act No. 663, 1977 Regular Session.)

14. Minimum Program and Public School

Fund:

(a) Financial Assistance Program	446,365,315
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SOURCE OF FUNDS:

(1) ASETF .....	415,688,830		
(2) Public School Fund .....		26,000,000	
(3) Local Funds .....		<u>4,676,485</u>	
Total Minimum Program and Public School Fund .....	<u>415,688,830</u>	<u>30,676,485</u>	<u>446,365,315</u>



The above appropriation shall be paid in accordance with Title 16, Article 3, Code of Alabama, 1975 and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1981-82 is based on 23,811 teacher units.

It is provided in the event there are more than 23,811 earned teacher units for the fiscal year 1981-82, then such amount necessary to pay for these excess teacher units is hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations, but not to exceed \$150,000.

For "Other Current Expenses" a sum not to exceed \$1,872.00 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$100.00 for each earned teacher unit.

For Capital Improvements the sum shall not exceed \$64.87 for each earned teacher unit.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$46,278,714.

#### 15. Board of Education

(a) Financial Assistance Program	255,499,572
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#### SOURCE OF FUNDS:

(1) ASETF .....	<u>255,499,572</u>
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Total Board of Education .....	<u>255,499,572</u>	<u>255,499,572</u>
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(a) To be distributed by State Board of Education for: Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers .....	35,793,372
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For providing a fully funded Hospital/Medical Insurance Program for all professional staff, support staff, and adult school bus drivers.

(b) Teachers Sick Leave	3,539,900
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Of the appropriation hereinabove made for Teachers Sick Leave the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick  
Leave ..... 819,000

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(d) Teachers Personal  
Leave ..... 910,000

The appropriation hereinabove made to Teachers Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(e) Funds to Replace  
Fees ..... 9,680,170

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred and fifty dollars (\$250) per teacher unit for grades K-6 and two hundred and fifty dollars (\$250) per teacher unit for grades 7-12 for all teachers employed (except ESEA, Title I, Title III, and Title IV teachers and ESAA teachers).

(f) Maintenance ..... 5,460,000

(g) Continuation of funds previously granted for Special Education ..... 25,607,644

Of the appropriation hereinabove made \$1,200,000 shall be allocated to local boards of education and administered through the State Department of Education for meeting matching requirements of Federal Legislation (P. L. 94-482) for vocational education for the handicapped. Of the \$25,607,644 for Special Education, \$350,000 shall be allocated to the Tuscaloosa Regional Handicapped School, \$350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and \$250,000 for the Vivian B. Adams School, \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama, \$25,000 shall be allocated to the Hope Haven School in Colbert County, \$25,000 shall be allocated to the Jasper Shriner School, \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama, \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama, \$75,000 to the Alice Pigman School, \$25,000 shall be allocated to Project Independence in Coffee County, Alabama, \$50,000 to the Houston County Board of Education for the Vaughn-Blumberg center for

the Developmentally Disabled, \$30,000 to Auburn University Preschool for Multi-handicapped children, and \$150,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and F.L. 94-142.

- (h) Kindergarten teacher  
units ..... 17,141,133

The above appropriation is for 1080 teacher units.

- (i) Driver Education .. 7,935,710

The above appropriation is for 500 teacher units.

- (j) Supportive teacher  
units ..... 27,029,028

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h) and additional teacher units in (k). The above appropriation is for 1,703 teacher units.

- (k) Continuation of Teacher Units to reduce pupil-teacher ratio in grades 1-6 ..... 10,316,422

The above appropriation is for 650 teacher units.

- (l) Special Education . 52,310,112

The above appropriation is for 3,250 teacher units, 200 of which teacher units be designated for the instruction of gifted children.

- (m) Vocational teacher  
unit ..... 53,317,265

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

- (n) Salary increase for lunchroom workers formerly granted ..... 5,639,816

#### 16. Nursing, Alabama Board of

- (a) Professional and Occupational Licensing and Regulation Program ..... 607,000

The appropriation to the Alabama Board of Nursing shall include a transfer to the State Personnel Department of \$527.

SOURCE OF FUNDS:

(1) ASETF - as provided in Act No. 68, 1977 Special Session, Scholarships for Graduate Nurses ..	57,000		
(2) Alabama Board of Nursing Trust Fund - as provided in Title 34, Chapter 21, Code of Alabama 1975, as amended .....		550,000	
Total Alabama Board of Nursing	57,000	550,000	607,000

17. Physical Fitness, Commission on ..... 100,000

(a) Advisory Services Program.

The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of \$196.

SOURCE OF FUNDS:

(1) ASETF .....	100,000		
Total Commission Physical Fitness .....	100,000		100,000

18. Post-Secondary Vocational-Technical Education System

(a) Instructional and Institutional Support Program ..... 50,477,565

SOURCE OF FUNDS:

(1) ASETF .....	34,597,533		
(2) Federal and Local Funds ....		1,314,867	
(3) State Funds .....		711,425	
(4) Other Funds .....		9,707,464	
(5) Auxiliary Enterprises .....		4,146,276	
Total Post-Secondary Vocational-Technical Education System ..	34,597,533	15,880,032	50,477,565

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education. (The above appropriation is to be distributed to the following Vocational-Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State

Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College (15) Northwest State Technical College; (16) N. F. Nunnolley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed. E. Reid State Technical College; (20) Shelton State Technical College (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George Corley Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville).

Of the above appropriations contained herein in Section 3-A-18 not more than the sum of \$270,000 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

19. Social Security (ASETF Share)

(a) For State's share of Social Security, Estimated .....	80,601,397
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(Includes payment to MICA)

SOURCE OF FUNDS:

(1) ASETF .....	<u>80,601,397</u>	
Total Social Security .....	<u>80,601,397</u>	<u>80,601,397</u>

20. Teachers' Retirement System of Alabama

(a) Retirement Systems Program, Est .....	172,222,732
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SOURCE OF FUNDS:

(1) ASETF-Teachers Retirement System .....	158,810,332	
(2) ASETF-Teachers Special Pension Fund .....	13,412,400	
Total Retirement Systems Program (State's Share) .....	<u>172,222,732</u>	<u>172,222,732</u>

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

21. Tenure Commission, State

(a) Regulation Program .....	8,190
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SOURCE OF FUNDS:

(1) ASETF .....	<u>8,190</u>	
Total State Tenure Commission .	<u>8,190</u>	<u>8,190</u>

22. Television Commission, Education

(a) Educational TV Services Program .....	2,959,946
(b) Public Radio Services Program .....	242,621

SOURCE OF FUNDS:

(1) ASETF .....	1,920,000		
(2) Federal and Local Funds .....		<u>1,282,567</u>	
Total Education Television Comm .....	<u>1,920,000</u>	<u>1,282,567</u>	<u>3,202,567</u>

Of this appropriation, the following amounts are to be expended for the following: \$54,400 for University of Montevallo; \$54,400 for Alabama A & M University; \$79,500 for Birmingham City Board of Education; \$62,775 for Huntsville City Board of Education.

23. Unemployment Compensation .....	1,750,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>1,750,000</u>	
Total Unemployment Compensation .....	<u>1,750,000</u>	<u>1,750,000</u>

24. Veterans' Education Benefits

(a) Administration of Veterans' Affairs Programs .....	1,215,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>1,215,000</u>	
Total Veterans' Education Benefits .....	<u>1,215,000</u>	<u>1,215,000</u>

The above appropriation includes pro-rata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Reg. Session.

Section 4.

A. FINANCIAL ASSISTANCE  
TO NON-STATE EDUCATIONAL AGENCIES

1. American Legion Auxiliary Scholarships		
(a) Support of Other Educational Activities Programs .....		4,277
SOURCE OF FUNDS:		
(1) ASETF .....	4,277	
Total American Legion Auxiliary Scholarships .....	4,277	4,277
(To be expended under the provisions of Act No. 676, 1978 Regular Session.)		
2. Arts Hall of Fame		
(a) Fine Arts Program .....		5,460
SOURCE OF FUNDS:		
(1) ASETF .....	5,460	
Total Alabama Arts Hall of Fame .....	5,460	5,460
3. Opportunities Industrialization Centers		
(a) Skills Enhancement and Employment Opportunities Program .....		159,250
SOURCE OF FUNDS:		
(1) ASETF .....	159,250	
Total Opportunities Industrialization Centers .....	159,250	159,250
4. Sickie Cell Association, Inc., East Alabama		
(a) Sickie Cell Education Program .....		27,300
SOURCE OF FUNDS:		
(1) ASETF .....	27,300	
Total East Alabama Sickie Cell Association .....	27,300	27,300
5. Sylacauga Nurses Training School		
(a) Support of Other Educational Activities Program .....		84,630
SOURCE OF FUNDS:		
(1) ASETF .....	84,630	
Total Sylacauga Nurses Training School .....	84,630	84,630

Section 5.

COLLEGES, UNIVERSITIES  
AND SCHOOLS

I. Board of Trustees of University  
of Alabama

A. The University

1. Operations and Maintenance .	34,488,294	32,814,276	67,302,570
2. Research, Extension and Public Service .....	1,887,755	254,834	2,142,589
3. Emergency Medical Services .	128,795	106,675	235,470
4. Center for Emotionally Dis- turbed Children .....	485,226	551,152	1,036,378
5. Nursing Scholarships .....	16,380		16,380
6. School of Mines .....	1,057,250	1,078,598	2,135,848
7. Family Practice Center .....	764,160	746,722	1,510,882
8. Alabama Museum of Natural History .....	152,218	53,337	205,555
9. College of Community Health Services Medical Education ...	2,220,407	1,463,812	3,684,219
10. Vocational Teacher Training	347,112	213,349	560,461
11. Cooperative University Upper Division Program .....	197,474	88,895	286,369
12. Rural Infant Stimulation En- vironment Program .....	127,823	72,116	199,939
13. High Risk Nursery .....	103,036		103,036
14. Safe State Program .....	158,270		158,270
15. Auxiliary Enterprises .....		21,820,871	21,820,871
16. Ala. Law School Clinical Edu- cation .....	120,000		120,000

SOURCE OF FUNDS:

(1) ASETF .....	42,254,200		
(2) Other Funds .....		59,264,637	
Total University of Alabama ....	42,254,200	59,264,637	101,518,837

B. University of Alabama in Bir-  
mingham

1. University College .....	14,647,071	13,917,748	28,564,819
2. School of Public and Allied Health .....	2,206,143	2,200,233	4,406,376
3. Regional Technical Institute ..	1,839,262	448,591	2,287,853
4. Joint Health Sciences .....	2,867,694	1,602,112	4,469,806
5. Student Nurses Loans .....	11,400		11,400
6. Nursing Scholarships .....	83,900		83,900



7. School of Nursing .....	3,203,130	2,670,186	5,873,316
8. Center for Labor Education and Research .....	265,200		265,200
9. Urban Research and Public Service .....	305,564		305,564
10. School of Medicine .....	16,547,191	51,587,998	68,135,189
11. School of Optometry .....	2,123,137	2,050,703	4,173,840
12. School of Denistry .....	7,215,866	10,445,768	17,661,634
13. System Medical Education Program .....	492,319		492,319
14. Family and Other Primary Care Residency Program .....	1,585,708		1,585,708

The above appropriation shall be expended for residency programs as follows:

Anniston .....	249,818		
East End .....	249,818		
Jefferson County .....	249,818		
Montgomery .....	249,818		
Selma .....	336,618		
Gadsden .....	249,818		
15. Montgomery Internal Medicine .....	240,047		240,047
16. University Hospital .....	5,829,119	117,426,684	123,255,803
17. School of Engineering and Business .....	700,000		700,000
18. Public Health School .....	188,142		188,142
19. Department of Pediatrics ....	310,602		310,602
20. Health-Related Research and Public Service .....	2,823,974		2,823,974
21. Emergency Medical Training .....	161,235		161,235
22. Hypertension Research .....	391,110		391,110
23. Multipurpose Arthritis Center .....	391,110		391,110
24. Medical Genetics Program ..	239,217		239,217
25. Special Mental Health .....		3,222,284	3,222,284
26. Center for Developmental and Learning Disorders .....		544,707	544,707
27. Auxiliary Enterprises .....		<u>7,497,883</u>	<u>7,497,883</u>

#### SOURCE OF FUNDS:

(1) ASETF .....	64,668,141		
(2) Special Mental Health Fund ..		3,766,991	
(3) Other Funds .....		<u>209,847,906</u>	

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Total University of Alabama in Birmingham .....	64,668,141	213,614,897	278,283,038
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C. University of Alabama in Huntsville

1. Operations and Maintenance .	6,956,491	6,835,058	13,791,549
2. School of Nursing Scholarships	16,380		16,380
3. Center for Management and Economic Research .....	45,500		45,500
4. School of Primary Medical Care	2,637,545	443,955	3,081,500
5. Community Medicine Rural Preceptorship Program .....	27,300		27,300
6. Johnson Environmental and Energy Center .....	261,662	1,632,460	1,894,122
7. Ambulatory Care Center .....	920,414	810,449	1,730,863
8. School of Nursing .....	813,765	298,282	1,112,047
9. Paramedic Training .....	120,038		120,038
10. Alabama Solar Energy Center	260,721		260,721
11. Auxiliary Enterprises .....		<u>1,541,125</u>	<u>1,541,125</u>

SOURCE OF FUNDS:

(1) ASETF .....	12,059,816	
(2) Other Funds .....		<u>11,561,329</u>

Total University of Alabama in Huntsville .....	<u>12,059,816</u>	<u>11,561,329</u>	<u>23,621,145</u>
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II. Board of Trustees of Alabama A & M University

A. Alabama A & M University

1. Operations and Maintenance .	10,059,294	10,354,005	20,413,299
2. Vocational Teacher Training .	291,462		291,462
3. Cooperative Extension & Research .....	250,000		250,000
4. Auxiliary Enterprises .....		<u>3,143,590</u>	<u>3,143,590</u>

SOURCE OF FUNDS:

(1) ASETF .....	10,600,756	
(2) Other Funds .....		<u>13,497,595</u>

Total Alabama A & M University	<u>10,600,756</u>	<u>13,497,595</u>	<u>24,098,351</u>
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III. Board of Trustees of Alabama State University

A. Alabama State University

1. Operations and Maintenance .	9,125,400	4,713,720	13,839,120
2. Auxiliary Enterprises .....		<u>4,033,209</u>	<u>4,033,209</u>

## SOURCE OF FUNDS:

(1) ASETF .....	9,125,400		
(2) Other Funds .....		<u>8,746,929</u>	
Total Alabama State University .	<u>9,125,400</u>	<u>8,746,929</u>	<u>17,872,329</u>

## IV. State Board of Education

## A. Athens State College

1. Operations and Maintenance .	1,520,072	1,023,268	2,543,340
2. Auxiliary Enterprises .....		<u>246,768</u>	<u>246,768</u>

## SOURCE OF FUNDS:

(1) ASETF .....	1,520,072		
(2) Other Funds .....		<u>1,270,036</u>	
Total Athens State College .....	<u>1,520,072</u>	<u>1,270,036</u>	<u>2,790,108</u>

## V. Board of Trustees of Auburn University

## A. Auburn University

1. Operations and Maintenance .	41,535,411	30,986,213	72,521,624
2. School of Nursing .....	386,750		386,750
3. Educational Television .....	342,808		342,808
4. Center for Vocational and Adult Education .....	486,850		486,850
5. Clinical Psychology .....	107,107		107,107
6. Engineering Experiment Station .....	815,409		815,409
7. Public Service, Research and Extension .....	351,369		351,369
8. Energy Research .....	250,978		250,978
9. Food Animal Health & Disease Research .....	182,000		182,000
10. Ralph Draughon Library ....	100,000		100,000
11. Auxiliary Enterprises .....		<u>22,392,348</u>	<u>22,392,348</u>

## SOURCE OF FUNDS:

(1) ASETF .....	44,558,682		
(2) Other .....		<u>53,378,561</u>	
Total Auburn University .....	<u>44,558,682</u>	<u>53,378,561</u>	<u>97,937,243</u>

## B. Agricultural Experiment Station

1. Operations and Maintenance .	<u>8,300,000</u>	<u>9,403,617</u>	<u>17,703,617</u>
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## SOURCE OF FUNDS:

(1) ASETF .....	8,300,000		
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(2) Other .....		<u>9,403,617</u>	
Total Agricultural Experiment Station .....	<u>8,300,000</u>	<u>9,403,617</u>	<u>17,703,617</u>
C. Cooperative Extension Service			
1. Operations and Maintenance .	<u>8,949,233</u>	<u>9,516,553</u>	<u>18,465,786</u>
SOURCE OF FUNDS:			
(1) ASETF .....	8,949,233		
(2) Other .....		<u>9,516,553</u>	
Total Cooperative Extension Service .....	<u>8,949,233</u>	<u>9,516,553</u>	<u>18,465,786</u>
D. Auburn University at Montgomery			
1. Operations and Maintenance .	5,842,586	4,538,222	10,380.808
2. Montgomery Area Community Health Sciences Institute .....	47,382		47.382
3. Public Service, Research and Extension (Center for Government and Public Affairs) .....	148,785	31,560	180,345
4. School of Nursing .....	247,975	2,922	250.897
5. Auxiliary Enterprises .....		<u>1,271,754</u>	<u>1,271,754</u>
SOURCE OF FUNDS:			
(1) ASETF .....	6,286,728		
(2) Other .....		<u>5,844,458</u>	
Total Auburn University at Montgomery .....	<u>6,286,728</u>	<u>5,844,458</u>	<u>12,131,186</u>
VI. Board of Trustees of Jacksonville State University			
A. Jacksonville State University			
1. Operations and Maintenance .	11,089,246	4,590,172	15,679,418
2. Gadsden Program .....	441,350	129,158	570,508
3. Nursing Scholarships .....	16,380		16,380
4. United Cerebral Palsy Development Center for East Central Alabama .....	100,000		100,000
5. Vocational Teacher Training .	91,000		91,000
6. Auxiliary Enterprises .....		<u>81,611,942</u>	<u>1,611,942</u>
SOURCE OF FUNDS:			
(1) ASETF .....	11,737,976		
(2) Other .....		<u>6,331,272</u>	
Total Jacksonville State University .....	<u>11,737,976</u>	<u>6,331,272</u>	<u>18,069,248</u>

VII. Board of Trustees of  
Livingston State University

## A. Livingston State University

1. Operation and Maintenance ..	3,643,060	1,113,014	4,756,074
2. Nursing Scholarships .....	16,380		16,380
3. Auxiliary Enterprises .....		<u>1,749,676</u>	<u>1,749,676</u>

## SOURCE OF FUNDS:

(1) ASETF .....	3,659,440		
(2) Other .....		<u>2,862,690</u>	
Total Livingston State University	<u>3,659,440</u>	<u>2,862,690</u>	<u>6,522,130</u>

VIII. Board of Trustees of Univer-  
sity of Montevallo

## A. University of Montevallo

1. Operations and Maintenance .	5,749,117	3,240,820	8,989,937
2. School for Aphasic Children ..	203,293	17,207	220,500
3. Highway Safety Program ....	128,127		128,127
4. Communication Center .....	18,527	68,827	87,354
5. Auxiliary Enterprises .....		<u>2,606,540</u>	<u>2,606,540</u>

## SOURCE OF FUNDS:

(1) ASETF .....	6,099,064		
(2) Other Funds .....		<u>5,933,394</u>	
Total University of Montevallo ..	<u>6,099,064</u>	<u>5,933,394</u>	<u>12,032,458</u>

IX. Board of Trustees of Univer-  
sity of North Alabama

## A. University of North Alabama

1. Operations and Maintenance .	7,443,248	5,258,248	12,701,496
2. Nursing School Scholarships .	16,380		16,380
3. Auxiliary Enterprises .....		<u>1,478,777</u>	<u>1,478,777</u>

## SOURCE OF FUNDS:

(1) ASETF .....	7,459,628		
(2) Other .....		<u>6,737,025</u>	
Total University of North Alabama	<u>7,459,628</u>	<u>6,737,025</u>	<u>14,196,653</u>

X. Board of Trustees of South Ala-  
bama

## A. University of South Alabama

1. Operations and Maintenance .	13,058,758	10,130,432	23,189,190
2. Medical Research and Public Service .....	329,536		329,536

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(Includes Statewide Medical Education, Ambulatory Care, Human and Clinical Nutrition Program and Reproductive Health Sciences Center.)

3. Family Practice Residency Program .....	525,070		525,070
4. College of Medicine .....	8,190,000	8,661,314	16,851,314
5. Medical Center Hospital .....	1,526,459	35,087,760	36,614,219
6. Newborn Growth and Development Program .....	72,800		72,800
7. Division of Allied Health .....	637,000	123,901	760,902
8. School of Nursing .....	546,000	241,903	787,903
9. Nursing Scholarships .....	16,380	5,900	22,280
10. Research, Public Service and Extension .....	83,172	41,301	124,473
11. Paramedic Training Program	125,125	70,801	195,926
12. Basic Medical Sciences .....	227,500		227,500
13. Birth Defect Genetic Center .	200,200		200,200
14. Auxiliary Enterprises .....		<u>4,637,461</u>	<u>4,637,461</u>

SOURCE OF FUNDS:

(1) ASETF .....	25,538,000		
(2) Other .....		<u>59,000,774</u>	
Total University of South Alabama	<u>25,538,000</u>	<u>59,000,774</u>	<u>84,538,774</u>

XI. Board of Trustees of Troy State University

1. Operations and Maintenance at Troy .....	6,847,712	4,702,289	11,550,001
2. Operations and Maintenance at Ft. Rucker/Dothan .....	887,250	1,266,724	2,153,974
3. Operations and Maintenance in Montgomery .....	227,500	1,625,065	1,852,565
4. Nursing Scholarships .....	32,760		32,760
5. Operations and Maintenance at Bay Minette .....	50,960	543,777	594,737
6. School of Nursing-Montgomery	227,500	20,047	247,547
7. Branch Campus at Phenix City	77,350	428,506	505,856
8. Auxiliary Enterprises .....		<u>3,943,007</u>	<u>3,943,007</u>

SOURCE OF FUNDS:

(1) ASETF .....	8,351,032		
(2) Other .....		<u>12,529,415</u>	
Total Troy State University .....	<u>8,351,032</u>	<u>12,529,415</u>	<u>20,880,447</u>

## XII. Board of Trustees for Alabama Institute for Deaf and Blind

## A. Alabama Institute for Deaf and Blind

1. Operations and Maintenance .	5,220,000	2,267,127	7,467,127
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## B. Department of Adult Blind and Deaf

1. Special Technical Facility ....	1,485,840	2,340,572	3,826,412
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2. Industries for the Blind .....	487,000	7,432,278	7,919,278
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## SOURCE OF FUNDS:

(1) ASETF .....	7,172,840		
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(2) Other .....		12,039,977	
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Total Alabama Institute for Deaf & Blind .....	7,172,840	12,039,977	19,212,817
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## Section 6.

## A. Other Educational Appropriations:

(1) Medical Emergency Alarm System Pilot Project of the University of Alabama in Birmingham .....	75,000
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(2) Governor's Education Program: To State Department of Education. Board of Education with Governor's approval. For Basic Learning Skills Teams, Standard Schools Program and Liability Insurance .....	1,820,000
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## Section 7.

## A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of University of Alabama \$3,222,284 to be expended under the programmatic area as shown under subsection 5-I-B on page 31.

(2) There is hereby appropriated from the Special Mental Health Trust Fund \$544,707 to be expended under the programmatic area as shown under subsection 5-I-B on page 31.

## B. PUBLIC SCHOOL FUND:

For the Public Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all

funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated twenty-six million dollars (\$26,000,000) from the Public School Fund to the Minimum Program to be expended under the Financial Assistance Program as shown in subsection 3-A-14 on page 16. If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1982, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1982.

Section 8. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller, shall issue his warrant therefor. All other appropriations in this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 9. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 10. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, which holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 11. This act shall become effective on October 1, 1981.

Mr. Pearson offered the following amendment to the substitute for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE FOR H. B. 631

Amend substitute for House Bill 631, on Page 16, by striking lines 30 through 36 in their entirety and inserting in lieu thereof the following:

"(a) Financial Assistance

Program ..... 464,441,053

SOURCE OF FUNDS:

(1) ASETF ..... 433,737,568

(2) Public School Fund ..... 26,000,000

(3) Local Funds ..... 4,676,485

Total Minimum Program and Public

School Fund ..... 433,737,568    30,676,485    464,441,053

Further amend substitute for H. B. 631 on Page 17, Line 23 by striking the following:

"\$1,872.00"



and inserting in lieu thereof the following:

"\$2,630.00"

Further amend substitute for H. B. 631 on Page 18 by striking lines 6 through 9 in their entirety and inserting in lieu thereof the following:

"(a) Financial Assistance

Program ..... 220,654,356

SOURCE OF FUNDS:

(1) ASETF ..... 220,654,356

Total Board of Education ..... 220,654,356 220,654,356

Further amend substitute for H. B. 631 on Page 20, Line 7 by striking the following:

"17,141,133"

and inserting in lieu thereof the following:

"17,283,693."

Further amend substitute for H. B. 631 on Page 20, Line 10 by striking the following:

"7,935,710"

and inserting in lieu thereof the following:

"8,001,710".

Further amend substitute for H. B. 631 on Page 20, Line 13 by striking the following:

"27,029,028"

and inserting in lieu thereof the following:

"27,253,824".

Further amend substitute for H. B. 631 on Page 21, Line 7 by striking the following:

"10,316,422"

and inserting in lieu thereof the following:

"10,402,222".

Further amend substitute for H. B. 631 on Page 21, Line 10 by striking the following:

"52,310,112"

and inserting in lieu thereof the following:

"52,739,112".

Further amend substitute for H. B. 631 on Page 25 by striking lines 19 through 26 in their entirety and inserting in lieu thereof the following:

"(a) Retirement Systems Program,

Est. .... 153,225,838

SOURCE OF FUNDS:

(1) ASETF-Teachers Retirement System .....	139,813,438	
(2) ASETF-Teachers Special Pension Fund .....	<u>13,412,400</u>	
Total Retirement Systems Program (State's Share) .....	<u>153,225,838</u>	<u>153,225,838</u>

Further amend substitute for H. B. 631 on page 18 by striking lines 10 through 17 in their entirety.

Further amend substitute for H. B. 631 by inserting on page 10 after line 22 the following:

5A. Employees Insurance Board, State .....	35,793,372
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Source of Funds:

(1) ASETF .....	35,793,372	
Total Employees Insurance Board, State .....	<u>35,793,372</u>	<u>35,793,372</u>

This appropriation is to be distributed by the State Employees Insurance Board for: Basic or primary group hospital medical insurance assistance for professional staff, support staff and adult school bus drivers of the local boards of education. For providing a fully funded basic or primary group Hospital/Medical Insurance Program for all professional staff, support staff, and adult school bus drivers. This appropriation shall not be used to fund any supplemental insurance policies.

Which was adopted.

Mr. Barron offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

To amend Section 3-A-10, page 13, line 8 by deleting \$66,004,890 and inserting \$63,009,732

To amend Section 3-A-10, page 13, line 15 by deleting \$66,004,890 and inserting \$63,009,732

To amend Section 3-A-10, page 13, line 10 by deleting \$2,095,158 and inserting \$38,500,000

To amend Section 3-A-10, page 13, line 15 by deleting \$42,095,158 and inserting \$38,500,000

To amend Section 3-A-18, page 23, line 19 by deleting \$34,597,533 and inserting \$31,500,000

To amend Section 3-A-18, page 23, line 25 by deleting \$34,597,533 and inserting \$31,500,000

To amend Section 3-A-18, page 23, line 17 by deleting \$50,477,565 and inserting \$47,380,032

To amend Section 3-A-18, page 23, line 25 by deleting \$50,477,565 and inserting \$47,380,032

To amend Section 3-A-19, page 16, line 32 by deleting \$415,688,830 and inserting \$433,737,568

To amend Section 3-A-19, page 16, line 36 by deleting \$415,688,830 and inserting \$433,737,568

To amend Section 3-A-19, page 16, line 30 by deleting \$446,365,315 and inserting \$464,414,310

To amend Section 3-A-19, page 16, line 36 by deleting \$446,365,315 and inserting \$464,414,310

To amend Section 3-A-19, page 17, line 23 by deleting \$1,872.00 and inserting \$2,630.00

To amend Section 5, I, A, page 29, line 12 deleting \$34,488,294 and inserting \$32,488,294

To amend Section 5, I, A, page 29, line 36, deleting \$42,254,200 and inserting \$40,254,200

To amend Section 5, I, A, page 29, line 36, deleting \$42,254,200 and inserting \$40,254,200

To amend Section 5, I, A, page 29, line 36, deleting \$101,518,837 and inserting \$99,518,837

To amend Section 5, I, A, page 29, line 36, deleting \$67,302,570 and inserting \$65,302,570

To amend Section 5-I-B, 1, page 30, line 7 deleting \$14,647,071 and inserting \$13,647,071

To amend Section 5-I-B, 1, page 30, line 7 deleting \$28,564,819 and inserting \$27,564,819

To amend Section 5-I-B, 1, page 30, line 19 deleting \$16,547,191 and inserting \$15,547,191

To amend Section 5-I-B, 1, page 30, line 19 deleting \$68,135,189 and inserting \$67,135,189

To amend Section 5-I-B, 16, page 31, line 7, deleting \$5,829,119 and inserting \$3,829,119 and deleting \$123,255,803 and inserting \$121,255,803

To amend Section 5-I-B, 16, page 31, line 23 deleting \$64,688,141 and inserting \$60,688,141

To amend Section 5-I-B, 16, page 31, line 27 deleting \$64,688,141 and inserting \$60,688,141

To amend Section 5-I-B, 16, page 31, line 27, deleting \$278,283,038 and inserting \$274,283,038

To amend Section 5-I-C, 1, page 31, line 29, deleting \$6,956,491 and inserting \$6,456,491

To amend Section 5-I-C, 1, page 31, line 29, deleting \$13,791,549 and inserting \$13,291,549

To amend Section 5-I-C, 1, page 32, line 16, deleting \$12,059,816 and inserting \$11,559,816

To amend Section 5-I-C, 1, page 32, line 19 deleting \$12,059,816 and inserting \$11,559,816

To amend Section 5-I-C, 1, page 32, line 19 deleting \$23,621,145 and inserting \$23,121,145

To amend Section 5-II-A, 1, page 32, line 23, deleting \$10,059,294 and inserting \$8,559,294

To amend Section 5-II-A, 1, page 32, line 23, deleting \$20,413,299 and inserting \$18,913,299

To amend Section 5-II-A, 1, page 32, line 28, deleting \$10,600,756 and inserting \$9,100,756

To amend Section 5-II-A, 1, page 32, line 30, deleting \$10,600,756 and inserting \$9,100,756

To amend Section 5-II-A, 1, page 32, line 30 deleting \$24,098,351 and inserting \$22,598,351

To amend Section 5-III-A, 1, page 33, line 9, deleting \$9,125,400 and inserting \$8,125,400

To amend Section 5-III-A, 1, page 33, line 9, deleting \$13,839,120 and inserting \$12,839,120

To amend Section 5-III-A, 1, page 33, line 12, deleting \$9,125,400 and inserting \$8,125,400

To amend Section 5-III-A, 1, page 33, line 14 deleting \$9,125,400 and inserting \$8,125,400

To amend Section 5-III-A, 1, page 33, line 14 deleting \$17,872,329 and inserting \$16,872,329

To amend Section 5-IV-A-1, page 33, line 17 by deleting \$1,520,072 and inserting \$1,220,072

To amend Section 5-IV-A-1, page 33, line 17 by deleting \$2,543,340 and inserting \$2,243,340

To amend Section 5-IV-A-1, page 33, line 20 by deleting \$1,520,072 and inserting \$1,220,072

To amend Section 5-IV-A-1, page 33, line 22 by deleting \$1,520,072 and inserting \$1,220,072

To amend Section 5-IV-A-1, page 33, line 22 by deleting \$2,790,108 and inserting \$2,490,108

To amend Section 5-V-A-1, page 33, line 25 by deleting \$41,535,411 and inserting \$39,535,411

To amend Section 5-V-A-1, page 34, line 9 by deleting \$44,558,682 and inserting \$42,558,682

To amend Section 5-V-A-1, page 34, line 11 by deleting \$44,558,682 and inserting \$42,558,682

To amend Section 5-V-A-1, page 34, line 11 by deleting \$97,937,243, and inserting \$95,937,243

To amend Section 5-V-A-1, page 34, line 33 by deleting \$72,521,624 and inserting \$70,521,624

To amend Section 5-V-B-1, page 34, line 13 by deleting \$8,300,000 and inserting \$7,500,000

To amend Section 5-V-B-1, page 34, line 13 by deleting \$17,703,617 and inserting \$16,903,617

To amend Section 5-V-B-1, page 34, line 15 by deleting \$8,300,000 and inserting \$7,500,000

To amend Section 5-V-B-1, page 34, line 18 by deleting \$8,300,000 and inserting \$7,500,000

To amend Section 5-V-B-1, page 34, line 18 by deleting \$17,703,617 and inserting \$16,903,617

To amend Section 5-V-C, page 34, line 20 by deleting \$8,949,233 and inserting \$8,249,233

To amend Section 5-V-C, page 34, line 20 by deleting \$18,465,786 and inserting \$17,765,786

To amend Section 5-V-C-1, page 34, line 22 by deleting \$8,949,233 and inserting \$8,249,233

To amend Section 5-V-C-1, page 34, line 25 by deleting \$8,949,233 and inserting \$8,249,233

To amend Section 5-V-C-1, page 34, line 25 by deleting \$18,465,786 and inserting \$17,765,786

To amend Section 5-V-D-1, page 34, line 27 by deleting \$5,842,586 and inserting \$5,142,586

To amend Section 5-V-D-1, page 34, line 27 by deleting \$10,380,808 and inserting \$9,680,808

To amend Section 5-V-D-5, page 35, line 9 by deleting \$6,286,728 and inserting \$5,586,728

To amend Section 5-V-D-5, page 35, line 12 by deleting \$6,286,728 and inserting \$5,586,728

To amend Section 5-V-D-5, page 35, line 12 by deleting \$12,131,186 and inserting \$11,431,186

To amend Section 5-VI-A-1, page 35, line 16 by deleting \$11,089,246 and inserting \$10,289,246

To amend Section 5-VI-A-1, page 35, line 16 by deleting \$15,679,418 and inserting \$14,879,418

To amend Section 5-VI-A-1, page 35, line 24 by deleting \$11,737,976 and inserting \$10,937,976

To amend Section 5-VI-A-1, page 35, line 27 by deleting \$11,737,976 and inserting \$10,937,976

To amend Section 5-VI-A-1, page 35, line 27 by deleting \$18,069,248 and inserting \$17,269,248

To amend Section 5-VII-A, No. 1, page 35, line 31 by deleting \$3,643,060 and inserting \$3,343,060

To amend Section 5-VII-A, page 35, line 31 by deleting \$4,756,074 and inserting \$4,456,074

To amend Section 5-VII-A, page 35, line 35 by deleting \$3,659,440 and inserting \$3,359,440

To amend Section 5-VII-A, page 35, line 37 by deleting \$3,659,440 and inserting \$3,359,440

To amend Section 5-VII-A, page 35, line 37 by deleting \$6,522,130 and inserting \$6,222,130

To amend Section 5-VIII-A, No. 1, page 36, line 9 by deleting \$5,749,117 and inserting \$5,499,117

To amend Section 5-VIII-A, page 36, line 9 by deleting \$8,989,937 and inserting \$8,739,937

To amend Section 5-VIII-A, page 36, line 15 by deleting \$6,099,064 and inserting \$5,849,064

To amend Section 5-VIII-A, page 36, line 17 by deleting \$6,099,064 and inserting \$5,849,064

To amend Section 5-VIII-A, page 36, line 17 by deleting \$12,032,458 and inserting \$11,782,458

To amend Section 5-IX-A, No. 1, page 36, line 21 by deleting \$7,443,248 and inserting \$7,343,248

To amend Section 5-IX-A, page 36, line 21 by deleting \$12,701,496 and inserting \$12,601,496

To amend Section 5-IX-A, page 36, line 25 by deleting \$7,459,628 and inserting \$7,359,628

To amend Section 5-IX-A, page 36, line 27 by deleting \$7,459,628 and inserting \$7,359,628

To amend Section 5-IX-A, page 36, line 27 by deleting \$14,196,653 and inserting \$14,096,653

To amend Section 5-X-A, No. 1, page 36, line 30 by deleting \$13,058,758 and inserting \$12,058,758

To amend Section 5-X-A, page 36, line 30 by deleting \$23,189,190 and inserting \$22,189,190

To amend Section 5-X-A, page 37, line 7 by deleting \$8,100,000 and inserting \$7,900,000

To amend Section 5-X-A, page 37, line 7 deleting \$16,851,314 and inserting \$16,351,314

To amend Section 5-X-A, page 37, line 8 by deleting \$1,526,459 and inserting \$1,026,459

To amend Section 5-X-A, page 37, line 8 by deleting \$36,614,219 and inserting \$35,614,219

To amend Section 5-X-A, page 37, line 21 by deleting \$25,538,000 and inserting \$23,538,000

To amend Section 5-X-A, page 37, line 23 by deleting \$25,538,000 and inserting \$23,538,000

To amend Section 5-X-A, page 37, line 23 by deleting \$84,538,774 and inserting \$82,538,774

To amend Section 5-XI-1, page 37, line 26 by deleting \$6,847,712 and inserting \$6,247,712

To amend Section 5-XI-1, page 37, line 26 by deleting \$11,550,001 and inserting \$10,950,001

To amend Section 5-XI-1, page 38, line 10 by deleting \$8,351,032 and inserting \$7,751,032

To amend Section 5-XI-1, page 38, line 12 by deleting \$8,351,032 and inserting \$7,751,032

To amend Section 5-XI-1, page 38, line 12 by deleting \$20,880,447 and inserting \$20,280,447

On motion of Mr. Pearson, said amendment was laid on the table.

Yeas 23; Nays 4.

*Yeas:*

Messrs.:	Goodwin	Keener	Pearson	
Britnell	Gulledge	Lemaster	Proctor	
Callahan	Hall	Little	Robertson	
deGraffenried	Harrison	Martin	St. John	
Denton	Hilliard	McDonald	Smith	
Glass	Holmes	Parsons		—23

*Nays:* Messrs.: Bailey, Barron, Higginbotham and Taylor. —4

Mr. Callahan offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

Amend the substitute for House Bill 631 on page 36, line 28 by striking out Subsection X of Section 5 in its entirety and inserting in lieu thereof the following:

X. BOARD OF TRUSTEES OF  
SOUTH ALABAMA

A. University of South Alabama

1. Operations and Maintenance .	12,300,888	10,130,432	22,431,320
2. Medical Research and Public Service .....	278,364		278,364

(Includes Statewide Medical Education, Ambulatory Care, Human and Clinical Nutrition

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Program and Reproductive  
Health Sciences Center.)

3. Family Practice Residency Program .....	502,077		502,077
4. College of Medicine .....	9,094,082	8,661,314	17,755,396
5. Medical Center Hospital .....	1,121,118	35,087,760	36,208,878
6. Newborn Growth and Development Program .....	79,168		79,168
7. Division of Allied Health .....	754,648	123,903	878,550
8. School of Nursing .....	694,889	241,903	936,742
9. Nursing Scholarships .....	17,877	5,900	23,777
10. Research, Public Service and Extension .....	90,915	41,301	132,216
11. Paramedic Training Program	137,905	70,801	208,706
12. Basic Medical Sciences .....	270,703		207,703
13. Birth Defect Genetic Center .	195,366		195,366
14. Auxiliary Enterprises .....		<u>4,637,461</u>	<u>4,637,461</u>

SOURCE OF FUNDS:

(1) ASETF .....	25,538,000		
(2) Other .....		<u>59,000,774</u>	
Total University of South Alabama	<u>25,538,000</u>	<u>59,000,774</u>	<u>84,538,774</u>

Which was adopted

Mr. Britnell offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

Amend the Finance and Taxation Substitute, as amended, for House Bill 631, page 33, line 25, by striking the figures 41,535,411, 30,986,213 and 72,521, 624, after the word "Maintenance. . ." and insert in lieu thereof "40,035,411, 30,986,213 and 71,021,624", respectively, and by recalculating accordingly.

Further amend the aforementioned bill on page 39, by adding a subsection 6-A-3 as follows:

(3) Burned School Buildings.

These funds are to be distributed by the Governor at his discretion to City and County Boards of Education for repairing and replacing burned school buildings. These funds are non-reimbursable losses .....

1,500,000

Which was adopted.



Mr. Britnell then offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

Amend Finance and Taxation Substitute for H. B. 631, Section 3, A, 15 (n) on page 21, by deleting the number "5,639,816" on line 24 and substituting in lieu thereof the following number "6,197,600."

Adjust totals found on lines 6, 8 and 9 on page 18 accordingly.

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Little offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

Amend H. B. 631, as substituted, page 9, line 8, by striking out the figure "\$4,300,000" and insert in lieu thereof the figure "\$4,100,000"

And furthermore insert the following between lines 12 and 13 on page 9, the following:

Handicapped Recreation Program. . . \$200,000.00 (to provide recreation and services at a year round accredited handicapped recreation facility.) and re-calculate accordingly.

Which was adopted.

Mr. St. John offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

Amendment to Finance and Taxation Substitute for H. B. 631, Section 3, A, 15 on pages 18, 20 and 21:

On page 18, subsection (a), lines 6, 8, and 9, delete the number \$255,499,572 and adjust according to the following changes:

Further, amend on page 20, subsection (h) on line 7, by deleting the number \$17,141,133, and by inserting in lieu thereof the number \$18,850,644.

Further amend on page 20, subsection (i) on line 10 by deleting the number \$7,935,710, and by inserting in lieu thereof the number \$8,727,150.

Further amend on page 20, subsection (j) on line 13 by deleting the number \$27,029,028, and by inserting in lieu thereof the number \$29,724,673.

Further amend on page 21, subsection (k) on line 7 by deleting the number \$10,316,422, and by inserting in lieu thereof the number \$11,345,295.

Further amend on page 21, subsection (l) on line 10 by deleting the number \$52,310,112, and by inserting in lieu thereof the number \$57,726,475.

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On motion of Mr. Pearson, said amendment was laid on the table.

Yeas 15; Nays 14.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Proctor
Callahan	Hilliard	Little	Smith
Denton	Holmes	McDonald	Teague
Glass	Keener	Pearson	Weeks

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*Nays:*

Messrs.:	Cook	Higginbotham	St. John
Bailey	deGraffenried	Martin	Taylor
Barron	Goodwin	Parsons	White
Britnell	Hall	Robertson	

—14

Mr. Hilliard offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

Amend the Substitute for H. B. 631 in Section 3, Page 14, Line 13 after the word "department." by adding the following:

"A conditional appropriation of 1.5 million shall be allocated to Theodore A. Lawson State Community College for the purpose of capital improvements only."

Which was adopted.

Mr. Parsons offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

Amend Committee Substitute to House Bill 631, Section 5-I-B, on page 31, by adding after line 27:

"In addition to the above appropriation up to \$500,000 is hereby appropriated for the Business and Engineering School, such appropriation to be conditioned upon the University's matching such appropriation from private resources."

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. White offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

Amend Finance and Taxation Substitute for House Bill 631 by adding on page 28 Section 4, line 28 the following:

6. ENVIRONMENTAL QUAL-  
ITY ASSOCIATION, ALA-  
BAMA:

(a) Environmental Education Program...conditional approp. ... 175,000

## SOURCE OF FUNDS:

(q) ASETF .....	175,000	
Total Alabama Environmental Quality Association .....	175,000	175,000

Further amend the bill on page 33, Section 5-V-A by deleting on line 25 the figures 41,535,411 and 72,521,624 and inserting in lieu thereof the figures 41,360,411 and 72,346,624.

Further amend the bill on page 34 line 9 by deleting the figure 44,558,682 and inserting in lieu thereof the figure 44,383,682.

Further amend the bill on page 34 line 11 by deleting the figures 44,558,682 and 97,937,243 and inserting in lieu thereof the figures 44,383,682 and 97,762,243.

Which was lost.

Mr. White then offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

Amend the Finance and Taxation Substitute for H. B. 631 by adding in Section 5, I, B on page 31 immediately after item number 27 the following:

"28 Center for Basic Science Reward for Cystic Fibrosis ..... \$100,000      conditional

"29 Center for Diagnosis and Treatment of Congenital Health Disease ..... 100,000      conditional

Further amend the bill by striking the figure 64,668,141 on line 23 and insert in lieu therefor 64,868,141 and further amend on line 27 by striking the figures 64,668,141 and 278,283,038 and inserting in lieu therefor the figures 64,868,141 and 278,483,038.

Which was adopted.

Mr. Barron offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

Amend the substitute, as amended, House Bill No. 631 Page 40, Line 33, by inserting the following:

"Section 11. None of the funds hereby appropriated shall be used in any manner, directly or indirectly, for purpose of lobbying."

On motion of Mr. Pearson, said amendment was laid on the table.

Yeas 18; Nays 6.

Yeas:

Messrs.:  
Callahan

Cook  
deGraffenried

Denton  
Figures

Glass  
Gulledge

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Hilliard	Martin	Pearson	St. John	
Keener	McDonald	Proctor	Smith	
Little	Parsons	Robertson		—18

Nays:

Messrs.:	Barron	Holmes	White	
Bailey	Hall	Taylor		—6

Mr. Goodwin offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

Amendment to Finance and Taxation Substitute H. B. 631, Section 3, A, 15 on pages 18, 20 and 21:

On page 18, subsection (a), lines 6, 8, and 9, delete the number \$255,499,572 and adjust according to the following changes:

Further, amend on page 20, subsection (h) on line 7, by deleting the number \$17,141,133, and by inserting in lieu thereof the number \$18,850,644.

Further amend on page 20, subsection (i) on line 10 by deleting the number \$7,935,710, and by inserting in lieu thereof the number \$8,727,150.

Further amend on page 20, subsection (j) on line 13 by deleting the number \$27,029,028, and by inserting in lieu thereof the number \$29,724,673.

Further amend on page 21, subsection (k) on line 7 by deleting the number \$10,316,422, and by inserting in lieu thereof the number \$11,345,295.

Further amend on page 21, subsection (1) on line 10 by deleting the number \$52,310,112, and by inserting in lieu thereof the number \$57,726,475.

All of the above are conditional upon the funds being available and upon release by the Governor.

Which was adopted.

Mr. Parsons offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

Amend Committee Substitute to H. B. 631, Section 5-I-B, on page 31, by adding after line 27:

"In addition to the above appropriation up to \$500,000 is hereby appropriated conditionally for the Business and Engineering School, such appropriation to be conditioned upon the University's matching such appropriation from private resources.

Which was adopted.

Mr. Cook offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

Amend Finance and Taxation Substitute to Substitute to H. B. 631, Section 3, A, 4, (b) on page 6 by deleting the number "7,735,000" on line 5 and substitute in lieu thereof the following number "8,500,000." The last \$765,000 shall be conditioned upon funds being available

Adjust section totals found on lines 9 and 12 on page 6 and the totals for the Department of Education found on lines 15 and 18 on page 10 accordingly.

Which was adopted.

Mr. Parsons offered the following amendment to the substitute, as amended, for the Bill, H. B. 631, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 631

Amend Finance and Taxation Substitute for H. B. 631, Section 3, A, 15 (g) on page 19, by deleting the number "25,607,644" on lines 14 and 18, and substituting in lieu thereof the following number "28,104,268."

Adjust totals found on lines 6, 8, and 9 on page 18 accordingly.

The appropriation of funds for this amendment is to be conditional upon the availability of funds and upon the approval of the Governor.

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 631, was then adopted by the Senate.

Yeas 22; Nays 6.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor	
Britnell	Gulledge	Little	Robertson	
Callahan	Hall	Martin	Smith	
deGraffenried	Hilliard	McDonald	Teague	
Denton	Holmes	Parsons	White	
Figures	Keener	Pearson		—22

Nays:

Messrs.:	Barron	Harrison	Taylor	
Bailey	Glass	St. John		—6

And said Bill, H. B. 631, as thus amended by the substitute, was read a third time at length and passed.

Yeas 22; Nays 6.

Yeas:

Messrs.:	Callahan	deGraffenried	Figures
Britnell	Cook	Denton	Goodwin

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Gulledge	Holmes	Parsons	Smith	
Hall	Keener	Pearson	Teague	
Higginbotham	Little	Proctor	White	
Hilliard	Martin	Robertson		—22

Nays:

Messrs.:	Barron	Harrison	Taylor	
Bailey	Glass	St. John		—6

Mr. Pearson moved that the Senate reconsider the vote by which the Bill, H. B. 631, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Ethics Commission.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 29th day of April, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Bill Lovin, Decatur, Alabama, for the term beginning on September 1, 1980 and ending on September 1, 1985, to the State Ethics Commission.

Respectfully,

FOB JAMES,  
Governor.

Done this 29th day of April, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Ethics Commission, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 644. To exempt the Alabama Federation of Women's Clubs from the payment of all state, county and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Denton	Higginbotham	Parsons	
Bailey	Figures	Holmes	Pearson	
Barron	Goodwin	Lemaster	St. John	
Britnell	Gulledge	Little	Smith	
Cook	Hall	Martin	White	
deGraffenried	Harrison			—21

*Nays:*

—0

The Bill:

S. 561. To create the Mental Health Capital Outlay Oversight Commission; to prescribe the composition and appointment of the membership and terms of office; to prescribe the commission's powers and duties; to provide for the election of a chairman and vice chairman of the commission and its organization, meetings and conduct of business; to make a conditional supplemental appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the department of Mental Health for capital outlay purposes and to prescribe the conditions of release therefor; and to provide for legislative compenstion, per diem and travel expenses.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 561, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 561

On page 3, lines 13 and 14, delete the language "ninety million dollars (\$90,000,000)" and insert in lieu thereof: "sixty-five million dollars (\$65,000,000)"

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	Robertson	
Britnell	Hilliard	McDonald	St. John	
Callahan	Holmes	Parsons	Smith	
deGraffenried	Lemaster	Pearson	Weeks	
Denton	Little	Proctor	White	—19

*Nays:*

—0

And said Bill, S. B. 561, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Robertson
Bailey	Gulledge	McDonald	St. John
Britnell	Hall	Parsons	Smith
Callahan	Holmes	Pearson	Weeks
deGraffenried	Lemaster	Proctor	White
Denton	Little		

—21

*Nays:*

—0

ADJOURNMENT

At 7:10 P. M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, April 30, 1981, at 11 o'clock A. M.



